

WESTERN AUSTRALIAN PLANNING COMMISSION

**METROPOLITAN REGION SCHEME
Amendment No. 1082/33**

BUSH FOREVER & RELATED LANDS

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

AMENDMENT REPORT

August 2004

PERTH
WESTERN AUSTRALIA



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disability services co-ordinator.

ABBREVIATIONS

CCW	Conservation Category Wetlands
BFPA	Bush Forever Protection Area
DCLM	Department of Conservation and Land Management
DPI	Department of Planning and Infrastructure
DOLA	Department of Land Administration (now the Department of Land Information)
DRF	Declared Rare Flora
EPA	Environmental Protection Authority
EPP	Environmental Protection Polices
MRS	Metropolitan Region Scheme
TEC	Threatened Ecological Community
TPS	Town Planning Scheme
WAPC	Western Australian Planning Commission
WC	Water Corporation
WRC	Water and Rivers Commission

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AMENDMENT NO. 1082/33 TO THE METROPOLITAN REGION SCHEME

Bush Forever and Related Lands

1. PURPOSE

The purpose of this major amendment is to:

- create a Special Control Area (Bush Forever Protection Area) and related provisions in the *Metropolitan Region Scheme Text*;
- establish a Special Control Area (Bush Forever Protection Area) in the Metropolitan Region Scheme (MRS) over all Bush Forever sites; and
- reserve a number of Bush Forever sites for Parks and Recreation within the MRS.

The Western Australian Planning Commission (WAPC) has agreed to advertise the above measures for public comment. These measures will significantly implement *Bush Forever* and recognise the high conservation values of Bush Forever sites, and provide opportunities for lands to remain in private ownership. However, for some Bush Forever sites of highest conservation value, it is acknowledged that reservation for Parks and Recreation within the MRS is the most appropriate course of action to provide for acquisition and management by government agencies when lands become available, and to give greater planning recognition of their conservation values.

This report presents an overview of the history of *Bush Forever*, identifies the areas to be included within Bush Forever Protection Areas and Parks and Recreation reserves, and presents to government agencies and the public a discussion of the rationale for the proposed reservations and associated issues.

2. BACKGROUND

The Bush Forever and Related Lands has been prepared as part of the implementation of *Bush Forever* (Government of Western Australia, 2000).

This Amendment Report has two distinct parts:

Part A

This part will focus on the Bush Forever Protection Area. The draft Statement of Planning Policy No.2.8: Bushland Policy for the Perth Metropolitan Region has been released concurrently with this amendment to establish a policy and implementation framework and guidelines for the Bush Forever Protection Area, and to ensure that bushland protection and management is appropriately addressed in planning decisions and actions. (See page 38)

Part B

This part will focus on those Bush Forever sites proposed to be reserved for Parks and Recreation within the MRS. (See page 39)

Bush Forever Background

Bush Forever is a whole-of-government policy and implementation plan designed to:

- identify, protect and manage regionally significant vegetation within the Swan Coastal Plain portion of the Perth Metropolitan Region;
- preserve the biodiversity of the region; and
- achieve a sustainable balance between the conservation of bushland and development within the Perth Metropolitan Region.

To achieve this aim, the Government has committed up to \$100 million over the next 10 years to ensure the protection of lands of the highest conservation value and to ensure future generations will be able to appreciate and enjoy Perth's natural heritage. The plan also includes a range of other implementation mechanisms that recognise existing commitments and approvals; provides for development that delivers an improved environmental outcome; and encourages off-reserve private land management.

Bush Forever identifies 51,200 hectares of regionally significant bushland for protection, covering 26 vegetation complexes. In doing so, it identifies 18% of the remaining 28% remnant vegetation on the Swan Coastal Plain portion of the Perth Metropolitan Region (PMR). The plan aims to protect at least 10 per cent of each vegetation complex within the *Bush Forever* study area.

The draft *Perth's Bushplan* was initially released in November 1998 and was open for public comment for five months. More than 2,000 submissions were received over that period. The final report, entitled *Bush Forever*, was endorsed by Cabinet and released by the Government of Western Australia in December 2000. It was also endorsed by the Western Australian Planning Commission and the Environmental Protection Authority. *Bush Forever* has been endorsed by the current Government (Cabinet Standing Committee on Environmental Policy, 24 June 2003) which found it to be a comprehensive and well considered program that satisfies the Labor Government's policy commitments on *Perth's Bushplan*.

3. SCOPE AND CONTENT OF THE PROPOSED AMENDMENT

Proposal 1 - Bush Forever Site No. 1

Transfer a portion of State Forest No. 65 from the State Forest reservation into the Parks and Recreation reservation.

The proposal is to include a portion of State Forest 65 within the Parks and Recreation reservation (29.04ha).

The documented vegetation complex for this site is the Karrakatta Complex; Central and South, of which 8% is proposed for protection under *Bush Forever*. The reservation of this portion of the State Forest will help to ensure that a vegetation complex, which is under the 10% retention target proposed in *Bush Forever*, is retained and protected.

Due to the size of many areas of State forest, these areas are important conservation reservations within the *Bush Forever* plan as they provide some of the largest bushland areas within the metropolitan region. It is important to conserve and protect these areas formally through the Parks and Recreation reservation to provide planning security and add recognition of their intent. Their inclusion in Parks and Recreation reservation does not alter their current management by the Department of Conservation and Land Management (DCLM) or change their tenure in any way.

Proposal 2 - Bush Forever Site No. 2

Transfer a portion of Lots 38 and 39 Great Northern Highway, Bullsbrook, from the Rural zone into the Parks and Recreation reservation.

The proposal is to include a portion of Lots 38 and 39 Great Northern Highway, Bullsbrook, within the City of Swan, which are both privately owned in the Parks and Recreation reservation (35.91ha).

The documented vegetation complex for these lots is the Yanga Complex, of which 9% is proposed for protection, and the Beermullah Complex, of which 5% is proposed for protection under *Bush Forever*. The reservation of these lots would ensure that two vegetation complexes, which are under the 10% retention target, are retained and protected.

The front portion of Lot 38 is cleared and used for occasional grazing of livestock. The portion of bushland within *Bush Forever* is at the back of the property and is occasionally grazed by livestock. The front portion of Lot 39 is used for racehorses.

The back portion of the block is bushland and included within *Bush Forever*. Negotiations are under way regarding the purchase of both blocks. The boundaries represent the line of vegetation and effective management and access boundaries.

Proposal 3 - Bush Forever Site No. 39

Transfer Crown Reserves 39941 and 26052 from the Urban zone into the Parks and Recreation reservation.

The proposal is to include Crown Reserves 39941 and 26052, within the City of Joondalup, in the Parks and Recreation reservation (16.51ha). Both reserves are vested with the City of Joondalup for Public Recreation.

The documented vegetation complex for these reserves is the Karrakatta Complex; Central and South, of which 8% is proposed for protection under *Bush Forever*. There are a number of established access tracks within the Bush Forever site.

The addition of this area of land to the Parks and Recreation reservation will protect a vegetation complex, which is already well below the 10% retention target set in *Bush Forever*, complement the local town planning scheme where it is reserved for Parks and Recreation, and provide added planning security.

Proposal 4 - Bush Forever Site No. 42

Transfer a portion of Lot 53 Dalgety Road, Red Hill from the Rural zone into the Parks and Recreation reservation.

The proposal is to include a portion of Lot 53 Dalgety Road, Red Hill, within the City of Swan, owned by the Western Australian Planning Commission, in the Parks and Recreation reservation (3.27ha).

The documented vegetation complex for this lot is the Forrestfield Complex, of which 5% is proposed for protection under *Bush Forever*. The bushland identified on the lot is a floristic community, classified by DCLM as a Threatened Ecological Community that is critically endangered (the highest classification for protection) and is subsequently listed for protection under Commonwealth legislation, namely the *Environmental Protection and Biodiversity Conservation Act 1999*.

Proposal 41 - Bush Forever Site No. 303

Transfer Crown Reserve Nos 42987 and 43210 from the Urban zone into the Parks and Recreation reservation.

The proposal is to include Reserve No. 42987 and Reserve No. 43210, vested with the City of Joondalup and the Fire and Emergency Services Authority of WA respectively, in the Parks and Recreation reservation (21.07ha). Reserve No. 42987 is vested with the City for Bushland Preservation. A drainage reserve within Reserve No. 42987 is also included within this amendment.

The documented vegetation complex for this reserve is the Cottesloe Complex; Central and South, of which 18% is proposed for protection, and the Karrakatta Complex; Central and South, of which 8% is proposed for protection under *Bush Forever*.

Reserve No. 43210 is vested with the Fire and Emergency Services Authority of WA for a fire station. Following extensive consultation with a variety of key stakeholders, an alternative appropriate location has been identified for a fire station, allowing the vegetation within the reserve to be retained and protected through reservation for Parks and Recreation in this amendment.

The Western Australian Planning Commission supports the recommendation that a portion of Crown Reserve 35545 be used for a fire station. A revesting of Crown Reserve No. 43210 has been agreed. The reservation of this Crown reserve will ensure its protection.

The reservation of this land for Parks and Recreation will ensure that the MRS falls in line with the local town planning scheme reservation and current vesting for this land, and the purpose for which it is vested with local government.

Proposal 42 - Bush Forever Site No. 306

Transfer an area of vacant Crown land from the Urban zone into the Parks and Recreation reservation.

The proposal is to include Swan Location 11314 O'Connor Road, within the City of Swan, in the Parks and Recreation reservation (11.77ha).

The documented vegetation complex for this lot is the Forrestfield Complex, of which 5% is proposed for protection under *Bush Forever*. This lot also has a Threatened or Poorly Reserved Plant Community Requiring Interim Protection. In addition, this site contains an occurrence of the critically endangered TEC 20c.

The reservation of this lot would consolidate an existing Parks and Recreation reserve to the north and protect a vegetation complex which is already well below the 10% retention target set by *Bush Forever*. The subject area is zoned in the local town planning scheme for Urban Development.

Proposal 43 - Bush Forever Site No. 316

Transfer Crown Reserves 14088, 33262 and portions of 18689 from the Rural zone and Crown Reserve 38489 from the Urban zone into the Parks and Recreation reservation.

The proposal is to include Crown Reserves 14088, 38489, 33262 and portions of 18689, within the Shire of Kalamunda, in the Parks and Recreation reservation (33.7ha).

Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8

Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8

**Draft report
for public comment**

Prepared under section 5AA of the
Town Planning and Development Act 1928 (as amended)
by the Western Australian Planning Commission
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Minister for Planning and Infrastructure



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1. CITATION

This is a draft Statement of Planning Policy prepared under s.5AA of the *Town Planning and Development Act 1928*. It may be cited as the *Draft Statement of Planning Policy No 2.8: Bushland Policy for the Perth Metropolitan Region*.

2. INTRODUCTION AND BACKGROUND

2.1 Policy Aims

The draft *Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy No 2.8* is hereafter referred to as this Policy. The aim of this Policy is to provide a statutory policy and implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region (PMR) are appropriately addressed, and integrated with broader land use planning and decision-making to secure long-term protection of biodiversity and associated environmental values.

This Policy recognises the protection and management of significant bushland areas, which have been identified for protection through an endorsed strategy, as a fundamental consideration in the planning process, while also seeking to integrate and balance wider environmental, social and economic considerations, thereby reflecting the principles of sustainability.

2.2 Perth's Bushland

The South-West Botanical Province in which Perth lies, is one of the most biologically diverse regions in the world and is home to a broad range of ecological communities and plant species, a large portion of which are endemic to the province.

Aside from its botanical and habitat values, bushland (and associated wetlands) plays a crucial role in meeting a variety of environmental, social and economic needs (sometimes referred to as ecosystem services), such as: maintaining water and air quality, wetland protection and hydrological functions, the prevention of land degradation, visual amenity and areas for walking and informal nature-based recreation and education. Bushland is therefore an essential part of an area's environmental infrastructure and a critical ingredient in the successful delivery of wider biodiversity, ecological, natural resource management and sustainability outcomes. Bush Forever sites identified in *Bush Forever* (Government of Western Australia 2000a, 2000b and 2000c) are a key component of this environmental infrastructure and a move towards achieving an ecologically sustainable city.

2.3 General Policy Context

The Western Australian Planning Commission (WAPC) has established a policy framework to guide the preparation and content of WAPC policies and plans. The framework consists of the following components:

- State Planning Strategy;
- Statement of Planning Policy No.1: State Planning Framework;
- Statements of Planning Policy - Sector Policies;
- Statements of Planning Policy - Supplementary Policies;
- Non-Statutory Policies; and
- Operational (Development Control) Policies.

The *State Planning Strategy* (Western Australian Planning Commission 1997) sets out five principles, including an Environment Principle, which is to protect and enhance the key natural and cultural assets of the State and to deliver to all Western Australians a high quality of life that is based on sound environmentally sustainable principles. With regard to biodiversity, the *State Planning Strategy* provides statements that elaborate on the Environment Principle, including: promoting the conservation of ecological systems and the biodiversity they support; and protecting sites of significant value.

The policy framework uses Statements of Planning Policy to refine and give expression to the principles of the *State Planning Strategy* for sectoral issues. The *State Planning Strategy and Statement of Planning Policy No.1: State Planning Framework* are at the top of the policy hierarchy. They contain the general principles for land use and development throughout the State and set the context for sectoral policies.

The WAPC has prepared a *Statement of Planning Policy No.2: Environment and Natural Resources* (ENRP) as a broad, overarching sector policy for environmental and natural resource planning in Western Australia. Under its biodiversity policy measures, the ENRP identifies areas of high biodiversity conservation value, which include sites identified in *Bush Forever*. It also seeks to avoid or minimise any adverse impacts (direct or indirect) on these sites as a result of changes in land use or development, and supports the use of management plans and a variety of mechanisms to protect areas (including statutory planning controls, conservation covenants and the reservation and acquisition of areas of high biodiversity conservation value, as appropriate).

This Policy is a supplementary policy under the ENRP. It seeks to address, in more detail, the protection and management of bushland in the Perth Metropolitan Region (PMR). More specifically, it addresses the protection and management of regionally significant bushland identified for protection in *Bush Forever* sites on the Swan Coastal Plain portion of the PMR, as identified in *Bush Forever*. This is primarily achieved through the establishment of a *Bush Forever* Protection Area and related provisions in the Metropolitan Region Scheme (MRS) and *Metropolitan Region Scheme Text* to cover *Bush Forever* sites – as proposed by MRS Omnibus Amendment No.1082/33. This Policy provides the policy and implementation framework for *Bush Forever* Protection Areas. These measures combined will give statutory planning effect to *Bush Forever*.

Bush Forever is a non-statutory regional policy under the WAPC's policy framework. It identifies 51,200 hectares of regionally significant bushland (and any associated wetlands) for protection and management in 287 *Bush Forever* sites. Areas of bushland outside *Bush Forever* sites may have regional values, but were not identified for protection and management in *Bush Forever* because of wider social and economic considerations.

Bush Forever has been endorsed by the Western Australian Government, the WAPC, the Environmental Protection Authority and other key environmental agencies as a whole-of-government bushland (and associated wetlands) protection policy for the Swan Coastal Plain portion of the PMR. For the area covered by the plan, *Bush Forever* substantially implements the Western Australian Government's commitments in the *Urban Bushland Strategy* (Government of Western Australia 1995); the international *Convention on Biological Diversity* (1992); and the Commonwealth Government's *National Strategy for the Conservation of Australia's Biodiversity* (1996) and the *Environmental Protection and Biodiversity Conservation Act 1999*.

Bush Forever and this Policy seek to protect and manage regionally significant bushland identified for protection as part of integrated and balanced environmental, social and economic outcomes. The *Hope for the Future: The Western Australian State Sustainability Strategy* (Government of Western Australia 2003) is part of the global response to sustainability and a desire to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic

prosperity (sometimes referred to as the triple-bottom-line). The *State Sustainability Strategy* (2003) recognises the use of Statements of Planning Policy to co-ordinate the actions of local governments, regional councils and State natural resource management agencies, and to support natural resource management and community outcomes. In relation to the conservation and protection of native vegetation, the *State Sustainability Strategy* (2003) recognises the need to account for biodiversity conservation in all land use planning, where clearing of native vegetation is involved, and management decisions in Western Australia (Implementation and Action Plan, Item 2.15).

This Policy represents an important step toward sustainability and “performance” and “effects-based” planning approaches for bushland protection, which are more closely aligned with self-regulating sustainability of integrated environment and development systems. As part of this approach, this Policy also seeks to more closely align land use planning with environmental protection and management to secure long-term, improved environmental outcomes through planning processes and decision-making, set within the context of wider social and economic considerations.

This Policy also supports the preparation of local bushland protection strategies by all local governments in the PMR to enable the identification of locally significant bushland sites for protection and management outside Bush Forever Protection Areas. The need for such strategies was identified in *Bush Forever*, the *Urban Bushland Strategy* (1995) and the *State Planning Strategy* (1997) as a supporting action against the principle of securing a high quality environment. In addition, the *National Local Government Biodiversity Strategy* (Australian Local Government Association 1999) identified the need to prepare local biodiversity strategies. Bushland is an important component of biodiversity and therefore local bushland protection strategies should form part of a wider local biodiversity strategy, or similar, where possible. Local biodiversity strategies may also recognise the importance of natural areas of native vegetation which do not fall within the definition of bushland, or naturally non-vegetated environments, such as open water bodies, sandy coasts, caves and rock outcrops, which have been naturally colonised by living organisms.

The policy and implementation framework adopted in this Policy can be applied to other bushland or biodiversity areas of significance outside Bush Forever Protection Areas and identified for protection as part of local or regional bushland or biodiversity protection strategies, or similar. Such strategies should be set in the context of local or regional planning strategies and wider social and economic considerations.

This Policy will be supplemented by more detailed guidelines, Planning Bulletins, Practice Notes and operational policies on particular matters, as required. These should be read in conjunction with this Policy.

3. APPLICATION OF THE POLICY

This Policy applies to all bushland within the PMR and, more specifically, the policy measures in this Policy apply to:

3.1 Bush Forever Protection Areas

These policy measures apply to any proposal or decision that is likely to have an adverse impact (direct or indirect) on regionally significant bushland within a Bush Forever Protection Area, as identified in the Metropolitan Region Scheme and in Map 1 (attached at the rear of this Policy). Map 1 includes the Wilbinga area north of the Perth Metropolitan Region).

3.2 Local Bushland

These policy measures apply to all areas of native vegetation outside Bush Forever Protection Areas within the PMR.

4. POLICY OBJECTIVES

The three key objectives of this Policy are:

1. To establish a conservation system that is, as far as is achievable, comprehensive, adequate and representative of the ecological communities of the Swan Coastal Plain portion of the PMR¹.
2. To seek to protect and manage bushland within the PMR through a range of mechanisms based on site opportunities and constraints and as a collective and shared responsibility and general duty of care on the part of government, landowners and the community.
3. To provide a policy and implementation framework for bushland areas of significance that are identified for protection and management in the PMR to assist planning assessment and decision-making processes, and to ensure:
 - (i) consistency, transparency and certainty for landowners, decision-makers and the broader community;
 - (ii) integrated and balanced environmental, social and economic outcomes;
 - (iii) existing planning or environmental commitments or approvals are recognised;
 - (iv) development and land uses which are compatible with bushland protection and/or provide for an improved environmental outcome, are supported and incorporate best-practice-performance-based planning, design and management outcomes.

5. POLICY MEASURES

The policy measures (see Figure 1) in this Policy identify specific information requirements, issues requiring special consideration and, more specifically, planning assessment and decision-making criteria and processes that are required to be implemented through this Policy.

Bush Forever Protection Areas (sections 5.1 and 5.2)

The general policy measures (section 5.1) apply to regionally significant bushland within all Bush Forever Protection Areas. The specific policy measures (section 5.2) apply to Bush Forever Protection Area site implementation categories, as applicable, and apply in addition to the general policy measures.

The five Bush Forever Protection Area site implementation categories identified within the specific policy measures are:

1. *Bush Forever Reserves (Proposed and Existing) (section 5.2.1)* - this generally includes lands reserved or proposed to be reserved for Parks and Recreation in the MRS, areas of the conservation estate vested with the Conservation Commission of WA, and/or Crown Reserves vested for conservation.
2. *Urban, Industrial or Resource Development (section 5.2.2)* - this generally includes lands zoned for Urban, Urban Deferred or Industrial purposes in the MRS or committed for future development through planning and environmental processes, or lands committed or approved for resource extraction.

¹ For this purpose, Bush Forever identifies a target of at least 10 per cent of the original extent of each vegetation complex (as representative of ecological communities at the regional scale) for the Swan Coastal Plain portion of the PMR. However, there may be further opportunities to achieve greater representation (with reference to the 30% target established for ecological communities in the Commonwealth Government's National Objectives and Targets for Biodiversity Conservation (2001-2005)), through the protection of vegetation complexes on less constrained portions of the Swan Coastal Plain outside the PMR.

-
3. *Government Lands and Public Infrastructure (section 5.2.3)* - this generally includes State, Commonwealth or local government lands in freehold ownership, or vested/unvested Crown reserves; and public infrastructure on lands zoned and reserved in the MRS.
 4. *Rural Lands (section 5.2.4)* - this generally includes land zoned Rural in the MRS.
 5. *Regional Creeklines (section 5.2.5)* - this generally includes mapped vegetation along regional creeklines.

Map 1 (attached at the rear of this Policy) identifies regionally significant bushland within Bush Forever Protection Areas and their associated site implementation category. Bush Forever Protection Areas are also identified in the MRS and have been established in the *Metropolitan Region Scheme Text*.

Local Bushland (section 5.3)

The local bushland policy measures apply to all areas of native vegetation outside Bush Forever Protection Areas within the PMR and support the preparation of a local bushland protection strategy (as part of a biodiversity strategies, or similar, where possible), by all local governments within the PMR.

5.1 Bush Forever Protection Areas - General Policy Measures

Application

1. *Regionally significant bushland within all Bush Forever Protection Areas identified on Map 1 and in the MRS.*

Proposals or decision-making should:

- (i) Recognise regionally significant bushland protection and its management as a primary purpose and a legitimate land use in its own right as part of an area's essential environmental infrastructure.
- (ii) Ensure that all reasonable steps have been taken to avoid, minimise or mitigate any likely adverse impacts (direct or indirect) on regionally significant bushland, consistent with the requirements of this Policy.
- (iii) Adopt or incorporate the following measures in the planning assessment process where there is likely to be an unavoidable adverse impact (direct or indirect), consistent with the requirements of this Policy, in addition to the normal planning information requirements and considerations:

Accompanying Material

- a. A Statement of Environmental Effects and an Environmental Management Plan shall be prepared by the proponent where there is likely to be a significant adverse impact (direct or indirect) on regionally significant bushland.

The Statement of Environmental Effects shall include, but is not limited to, the following general information requirements, subject to the circumstances of each case and consummate with the level of impact and decision-making, and the nature of the receiving environment:

-
- provide evidence and demonstrate that a proposal or decision is consistent with this Policy, in particular the Negotiated Planning Solution Criteria set out in Schedule 1;
 - describe and provide a rationale and planning context for the proposal;
 - describe the bushland values and nature of the receiving environment (to be consistent with the information sets in *Bush Forever*, and Environment Protection Authority 2003b and 2003c, Draft Guidance Statements No. 51 and 56 - terrestrial flora, vegetation and fauna surveys for environmental impact assessment in Western Australia, where appropriate).
 - provide an evaluation of and justification for any likely adverse impacts (direct or indirect);
 - demonstrate that all reasonable steps have been taken to avoid or minimise any likely adverse impacts (including a review of alternative options and details of any bushland-sensitive design measures to be adopted), consistent with the requirements of this Policy; and
 - provide details of proposed long-term protection, management, minimisation and mitigation measures to be adopted.

The Environmental Management Plan should be prepared as part of the Statement of Environmental Effects or, if not, shall be required as a condition of approval, unless agreed otherwise. The Environmental Management Plan shall address any likely adverse impacts (direct or indirect) and how these impacts are to be avoided, minimised, managed and monitored prior to and during the construction phase of the any proposed development and post development. The Environmental Management Plan may also be required to address the management of regionally significant bushland, or parts thereof, any proposed mitigation measures to be adopted and any proposed commitments to ensure the conservation values of the bushland is maintained.

Where there is likely to be minimal adverse impact (direct or indirect), sufficient information shall be presented by the proponent to enable a planning and bushland assessment, demonstrating that the proposal will not cause a significant impact and providing details of any proposed environmental management measures to be adopted.

The decision-making body, at its discretion, may waive the requirement, modify the information requirements or provide guidance in the preparation of the Statement of Environmental Effects or Environmental Management Plan, depending upon the circumstances of each case.

Matters to be Considered

- b. The decision-making body and proponent shall pay particular regard to the Negotiated Planning Solution Criteria (refer to Schedule 1) for any likely adverse impacts (direct or indirect), as a basis for a determining a reasonable outcome and the acceptability of a proposal.

Figure 2 provides a general overview of the planning assessment process. Specific guidance will be provided in more detailed guidelines, Planning Bulletins, Practice Notes and operational polices, which will supplement this Policy.

- (iv) Recognise that Bush Forever Protection Area boundaries, including the regionally significant bushland therein, have been defined using the best available information but may be subject to further analysis, verification and changes as a result of new information, on-ground site investigations, landowner consultation or as part of the implementation of this Policy.

-
- (v) Ensure that changes to Bush Forever Protection Area boundaries, site implementation categories or any deviation from the policy measures outlined in this Policy, occur only with the agreement of the WAPC, with advice from key government agencies and authorities, as appropriate.
 - (vi) Recognise that existing cleared areas within a Bush Forever Protection Area are not intended to be protected through this Policy or excluded from development. However, development within cleared areas within or abutting a Bush Forever Protection Area may be subject to planning or environmental controls in accordance with either this Policy, where there is likely to be a significant indirect adverse impact, or other government policies and initiatives.
 - (vii) Where relevant policy measures for a Bush Forever Protection Area (general and specific) are implemented and the regionally significant bushland therein or portion thereof is deemed to be protected, there will be a general presumption against further development that would have a direct adverse impact on the regionally significant bushland identified for protection, unless there is an improved environmental outcome.
 - (viii) Have regard to other relevant policies in respect to native vegetation, including *Bush Forever* (Government of Western Australia 2000a and 2000c) and its related site implementation Practice Notes (Government of Western Australia 2000b); and any detailed Guidelines, Planning Bulletins, Practice Notes and operational policies that supplement this Policy on particular matters. These should be read in conjunction with this Policy. In the event of any inconsistencies, this Policy will prevail.

5.2 Bush Forever Protection Areas - Specific Policy Measures

5.2.1 Bush Forever Reserves (Proposed and Existing)

Application

1. *Regionally significant bushland within areas identified as Bush Forever Reserves (Proposed and Existing) on Map 1.*
2. *Regionally significant bushland proposed for and/or reserved for Parks and Recreation in the MRS through the ongoing implementation of Bush Forever.*

Proposals or decision-making should:

- (i) Support a general presumption against the clearing of regionally significant bushland, except where a proposal or decision:
 - a. is consistent with the overall purpose and intent of an existing reserve, existing approved uses and/or existing planning or environmental commitments or approvals; or
 - b. is in accordance with an existing endorsed master plan, management plan or similar, which has appropriately considered bushland protection requirements; or it is considered through a whole-of-site, formal master plan or management plan process, or similar, which effectively co-ordinates bushland protection and future development requirements within an overall strategic framework and seeks to maximise the protection of conservation values; or
 - c. can be reasonably justified with regard to wider environmental, social, economic or recreational needs and all feasible alternatives have been considered in order to avoid or

minimise any direct loss of regionally significant bushland; and reasonable mitigation strategies are secured to offset any loss of regionally significant bushland, where appropriate and practical.

- (ii) Consider opportunities for reviews, rationalisations and reconfigurations of existing Bush Forever Reserves that do not contain regionally significant bushland and have no ecosystem value, or which provide for an improved environmental outcome.
- (iii) Consider private land conservation initiatives to protect and manage Bush Forever Reserves (Proposed and Existing) in private ownership, or portions thereof, as an alternative to State acquisition, where appropriate. In particular, where there is no public access or public land management requirement for conservation. Alternatives to State acquisition include conservation covenants, land management agreements, or similar.
- (iv) Support the re-vesting of Crown reserves within a Bush Forever Reserve (Proposed and Existing) with a conservation purpose under the *Land Administration Act 1997* to provide added long-term security, where appropriate.
- (v) Require the preparation and implementation of an environmental management plan, or similar, for a Bush Forever Reserve (Proposed and Existing) once it is consolidated in government ownership. Prior to this, interim land management measures should be put in place by the responsible authority for portions of the Bush Forever Reserve in government ownership.
- (vi) Support the co-ordinated management of regionally significant bushland within Bush Forever Reserves (Proposed and Existing) in government ownership through the Conservation Commission of WA, with the delegation of specific management responsibilities or areas to other appropriate bodies (such as local government, subject to their agreement), where appropriate and consistent with the site's conservation values.

This process should be supported by the preparation and application of relevant management strategies, criteria, guidelines, plans and agreements, as required, to provide greater certainty and consistency in bushland management responsibilities and techniques in the PMR.

- (vii) Seek to reserve all government-owned Bush Forever Reserves (Proposed and Existing) for Parks and Recreation in the MRS to provide added planning security and protection.

5.2.2 *Urban, Industrial or Resource Development*

Application

1. *Regionally significant bushland within areas identified as Urban, Industrial or Resource Development on Map 1.*
2. *Regionally significant bushland identified as Priority Resource Locations, Key Extraction Areas and Extraction Areas in Basic Raw Materials Statement of Planning Policy No.10 (Government of Western Australia 2000), or with pre-existing mining commitments or approvals, or with Mining Act 1978 tenements that contain identified titanium mineralisation (this includes areas that may fall within another site implementation category, including Bush Forever Reserves).*

Proposals or decision-making should:

- (i) Recognise lands in this site implementation category as constrained and seek a reasonable balance between conservation and development or resource extraction, having regard for the specific conservation values involved.
- (ii) Recognise that for urban and industrial land/s appropriately zoned in the local town planning scheme or in one ownership or able to be developed in isolation, this will generally involve a “stand-alone” Negotiated Planning Solution. A bushland retention target shall to be determined on a case-by-case basis, with a retention benchmark of generally not less than 30 per cent, subject to an area’s overall planning and environmental opportunities and constraints.
- (iii) Seek strategic outcomes, where possible, which include:
 - a. Structure planning to facilitate the strategic co-ordination of bushland protection and development requirements to set aside regionally significant bushland for protection and management in its entirety, where possible.

This approach will generally apply to lands where rezoning for development has not occurred in a local government town planning scheme or where an affected area is in fragmented ownership and/or requires land co-ordination to enable it to be developed. This may involve cost contributions, or other equitable cost-sharing arrangements, towards the protection of regionally significant bushland as part of an area’s essential environmental infrastructure.
 - b. Wider strategic packages in accordance with the relevant principles established for Bush Forever Sustainability Strategies (see section 5.2.3, specific policy measure (ii)) where a landowner or company has a number of land assets.
- (iv) Recognise that for resource extraction areas, a strategic outcome (specific policy measure 5.2.2, (iii) (b) above) is the favoured approach, and that there may be overriding restrictions on future extraction for environmental reasons.
- (v) Ensure that regionally significant bushland identified for protection and management as part of a Negotiated Planning Solution is clearly demarcated on any plan of approval to be set aside for conservation and vested with an appropriate management body under s20A of the *Town Planning and Development Act 1928*, unless it is agreed that equivalent protection and management measures can be secured through other statutory controls, such as a conservation covenant and management agreement.
- (vi) Seek to reserve the conservation area to be protected through a Negotiated Planning Solution for Parks and Recreation in the MRS, once it has been secured for conservation through the planning process or through a legal agreement, unless agreed otherwise.
- (vii) Recognise that the conservation area will be generally set aside over and above the normal 10 per cent public open space contribution and will not form part of the developable area for the purposes of calculating the 10 per cent public open space contribution.

The WAPC may accept whole or part of the conservation area as a component of the open space contribution on a case-by-case basis, where it is demonstrated that:

- the conservation area or portion thereof serves a local passive recreational function which is acceptable in environmental terms;
- the location of the conservation area is accessible to the residents of the local area;
- the total open space (active and passive) contribution adequately serves the needs of the residents in terms of the amount, its location, configuration and function;
- management infrastructure and other measures are provided that support the use and management of the conservation area in accordance with an endorsed environmental management plan;
- it is acceptable to the future proposed management body, relevant environmental agencies and local government;
- the overall “land take” for open space is likely to jeopardise the overall development viability of the project, based on evidence supplied to the decision-making body;
- relevant bushland-sensitive design measures have been adopted; and
- other planning and environmental considerations and policies of the WAPC have been taken into account.

5.2.3 Government Lands and Public Infrastructure

Application

1. *Regionally significant bushland within areas identified as Government Lands on Map 1.*
2. *Regionally significant bushland likely to be adversely affected (directly or indirectly) by existing and proposed public infrastructure or utility services within all Bush Forever Protection Areas. (This includes public infrastructure or utilities that may fall within another site implementation category).*

Proposals or decision-making should:

- (i) Seek to protect regionally significant bushland as a priority, except where a proposal or decision:
 - a is consistent with the overall purpose and intent of an existing reserve, existing approved uses and/or existing planning or environmental commitments or approvals; or
 - b. it is in accordance with an existing endorsed master plan, management plan or similar, which has appropriately considered bushland protection requirements; or it is considered through a whole-of-site, formal master plan or management plan process, or similar, which effectively co-ordinates bushland protection and future development requirements within an overall strategic framework and seeks to maximise the protection of conservation values; or
 - c. can be reasonably justified with regard to wider environmental, social and economic considerations (in particular, essential public infrastructure or utilities), and all feasible alternatives have been considered to avoid or minimise any direct loss of regionally significant bushland; and reasonable mitigation strategies are considered to offset any loss of regionally significant bushland, where appropriate and practical.

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- (ii) Seek to optimise the protection of regionally significant bushland through the development of a Bush Forever Sustainability Strategy (as part of government Sustainability Action Plans, where possible, as required by the *State Sustainability Strategy 2003*) by each affected State government agency as a basis for a wider strategic outcome; and support similar approaches by local government and Commonwealth agencies.

Bush Forever Sustainability Strategies should seek to achieve integrated and balanced environmental, social and economic outcomes in consultation and agreement with the WAPC and other relevant government agencies. Elements of these strategies should be adopted by the responsible government agencies in the interim and on a case-by-case basis, where appropriate. In particular, Environmental Management Plans, or similar, for lands in government ownership should be prepared and implemented, where appropriate.

- (iii) Seek to reserve lands that are already recognised for conservation, or lands of the highest conservation value, for Parks and Recreation in the MRS to provide added planning security and protection, while recognising existing management arrangements, uses and the future requirements of the responsible management body.
- (iv) Support the reversion of Crown reserves that are already managed or recognised for conservation with a conservation purpose under the Land Administration Act 1997, where appropriate.

5.2.4 Rural Lands

Application

1. *Regionally significant bushland within areas identified as Rural Lands on Map 1.*

Proposals or decision-making should:

- (i) Support private land conservation initiatives through planning mechanisms and processes and through wider government and non-government programs and measures, such as: conservation covenants, management advice, assistance, agreements and funding incentives, including State land tax and local rate incentives.
- (ii) Support rural-living subdivision for conservation and/or rural development (including a single residential building envelope) in areas not already committed or approved for development, having due regard to the best practice criteria identified in Schedule 2 at the rear of this Policy.
- (iii) Seek opportunities for improved environmental outcomes for intensive rural-living subdivision (i.e. lots generally below 10 hectares) or development with existing planning or environmental commitments or approvals.
- (iv) Support the preparation and implementation of whole-of-site environmental management plans for areas within multiple ownerships, where possible, as a framework for more detailed environmental management plans for individual landowners.

5.2.5 Regional Creeklines

Application

1. *Regionally significant bushland within areas identified as Regional Creeklines on Map 1.*

Proposals or decision-making should:

- (i) Support the protection and management of regionally significant bushland along regional creeklines in accordance with other relevant government policies and initiatives outside the scope of this Policy, which includes the *Environment Protection (Swan and Canning Rivers) Policy 1998*.
- (ii) Support a general presumption against the clearing of regionally significant bushland along regional creeklines, subject to other relevant government policies and initiatives.
- (iii) Ensure that any future subdivision retains regionally significant bushland along creeklines within one lot, where possible, and seeks to avoid the creation of lot boundaries and development through regionally significant bushland.

5.3 Local Bushland

Application

1. *All areas of native vegetation outside Bush Forever Protection Areas within the PMR.*

Local government should:

- (i) Seek to prepare a local bushland protection strategy, which should:
 - a. be prepared as part of a wider local biodiversity strategy (which includes an assessment of local natural areas, both vegetated and non-vegetated) or similar, where possible;
 - b. be prepared as a component of a wider local planning strategy and as part of a review of a local government town planning scheme; or independent of this review and the local planning strategy where there are significant issues and pressure for land use change;
 - c. be based on agreed metropolitan-wide guidelines;
 - d. identify or establish processes to identify locally significant bushland sites for protection and management based on environmental, social and economic criteria; while also recognising existing approvals and commitments;
 - e. identify decision-making processes and include an implementation strategy to protect those sites recommended for protection and management through a range of mechanisms;
 - f. be prepared in consultation with affected landowners, the broader community, the WAPC and other relevant government agencies;

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- g. exclude the Conservation Commission of WA-managed conservation estate and Parks and Recreation reserves in the MRS; and
- h. be formally considered and endorsed by Council and the WAPC.
- (ii) Consider the recommendations of a local bushland protection strategy, biodiversity strategy or similar, that has been formally endorsed by Council and the WAPC, in the preparation of a local government town planning scheme and its amendments, including local planning strategies, local policies, zones and special control areas, as required.

Proposals or decision-making should:

- (iii) Have regard to the protection of locally significant bushland sites recommended for protection and management as part of a local bushland protection strategy, biodiversity strategy or similar, that has been formally endorsed by Council and the WAPC.
- (iv) As an interim measure, prior to formal endorsement of a local bushland protection strategy, biodiversity strategy or similar by Council and the WAPC, consider the protection of locally significant bushland recommended for protection and management through the processes outlined in specific policy measure 5.3 (i) above, in agreement with the WAPC, relevant government agencies and the affected landowner, subject to a detailed consideration of a site's opportunities and constraints and in accordance with an agreed implementation mechanism.

However, the lack of a formally endorsed local bushland protection strategy, biodiversity strategy or similar should not be used as a reason to refuse a planning proposal, particularly for lands with prior commitments and approvals. Each proposal should be considered on its merits with particular regard to specific policy measure 5.3 (v) below.

- (v) Support a general presumption against the clearing of bushland containing:
- Threatened Ecological Communities and species (areas classified by the Conservation Commission of WA and/or listed under the Commonwealth's *Environmental Protection and Biodiversity Act 1999*;
 - Threatened or poorly reserved plant communities (preliminary maps, Environmental Protection Authority, 1994);
 - Declared Rare Flora or Specially Protected Fauna;
 - Lakes listed in the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* (Government of Western Australia, 1992) and other significant vegetated wetlands (most notably conservation category wetlands as identified by the Department of Environment) and appropriate buffers from wetland dependant vegetation consistent with relevant government policies and initiatives;
 - Vegetation complexes of which less than 10 per cent of the original extent currently remains (this generally correlates with vegetation on the eastern side of the Swan Coastal Plain);
 - Wetland-dependent vegetation fringing creeks, rivers and estuaries and an appropriate buffer in accordance with other relevant government policies and initiatives, which include the *Environmental Protection (Swan and Canning Rivers) Policy 1998*; and
 - System 6 recommendation areas (Department of Conservation and Environment (1983), *Conservation Reserves for Western Australia*, the Conservation Commission of WA conservation estate and Parks and Recreation reserves in the MRS outside the Swan Coastal Plain portion of the PMR.

This general presumption is subject to on-site verification of the bushland values, presence, condition and boundaries through a flora, vegetation and fauna survey (consistent with Environment Protection Authority 2003b and 2003c, where appropriate); an assessment of the bushland's long-term viability (such as its size, shape, connectivity and key threatening processes); consideration of the Negotiated Planning Solution Criteria contained in this Policy and any relevant specific policy measures herein; and other statutory requirements and policies.

- (vi) Proactively seek to safeguard, enhance and establish linkages between Bush Forever Protection Areas and those areas identified in accordance with specific policy measures 5.3 (i) and 5.3 (v) above.

6. IMPLEMENTATION

The purpose of this Policy is to guide and inform agencies, authorities, landowners and the broader community on bushland protection and management issues that are to be taken into account and given effect to by the WAPC and local governments when considering a planning proposal or in undertaking decision-making. Implementation of this Policy will occur through the day-to-day process of decision-making on strategic plans, conservation and management strategies, statutory schemes and subdivision and development applications. This Policy does not affect existing lawful land uses and development.

Each proposal will be judged on its merits with decision-making bodies having due regard to the policy measures in this Policy. The onus is on the proponent to provide sufficient evidence and to demonstrate to the decision-making body that a proposal or decision is consistent with this Policy or that a deviation is justified. Any proposal that deviates from this Policy will not be supported without overriding justification. Statements of fact, conclusions or theories used to justify arguments should be substantiated or supported by technical work. Where this is not provided, the planning assessment process will be consistent with the precautionary principle.

This Policy will also integrate and co-ordinate the activities of other agencies and bodies that influence the use and development of land. Recognition of this Policy in this way does not constrain the independence of other statutory decision-making bodies and legislation. However, it is expected that if a proposal achieves a reasonable conservation outcome in compliance with this Policy through a Negotiated Planning Solution, it is unlikely to be formally assessed under Part IV of the *Environmental Protection Act 1986* (Environmental Protection Authority 2001 & 2003a).

In addition, under proposed amendments to the *Environmental Protection Act 1986*, clearing of native vegetation in Western Australia will require a permit, submitted to, and approved by, the Department of Environment. A subdivision approval is exempt from the requirement for a clearing permit. In these circumstances, a subdivision proposal, which is likely to have an adverse impact (direct or indirect) on regionally significant bushland within a Bush Forever Protection Area, would be considered with due regard to this Policy. Unlike subdivision approvals, development approvals would still require a clearing permit under the proposed amendments, but the Department of Environment is required to have due regard to other policies and approvals.

The State Government will provide support to local governments in the preparation of strategies, schemes, policies and plans to address the issues raised in this Policy and in undertaking decision-making. Most development control powers under the MRS are delegated to local government, but the WAPC retains a number of development control powers. With the introduction of Bush Forever Protection Areas, delegation provisions are retained, but local government is advised to consult with the Department for Planning and Infrastructure where, in the opinion of the local government, a proposal or decision is likely to have an adverse impact (direct or indirect) on regionally significant bushland within a Bush Forever Protection Area.

The policy will be monitored on an ongoing basis and reviewed as required or at least within five years of its operation.

SCHEDULE 1

BUSH FOREVER PROTECTION AREAS

PLANNING ASSESSMENT PROCESS - NEGOTIATED PLANNING SOLUTION CRITERIA (General Policy Measure 5.1 (iii), part b)

Where a proposal or decision is likely to have an unavoidable adverse impact (direct or indirect) on regionally significant bushland within a Bush Forever Protection Area, consistent with the requirements of this Policy, the decision-making body shall have particular regard to the following Negotiated Planning Solution Criteria as a basis for determining a reasonable outcome and the acceptability of a proposal. The proponent shall be required to supply evidence and demonstrate to the decision-making body that a proposal or decision is consistent with the Negotiated Planning Solution Criteria herein.

While not constraining other legislation, the criteria will also be a consideration in environmental approval processes.

The Negotiated Planning Solution Criteria are as follows:

Primary Criteria

- (i) Have particular regard to a Bush Forever Protection Area's site implementation category and any associated specific policy measures (and associated criteria) in this Policy (s5.2).
- (ii) Recognise existing planning or environmental commitments or approvals, and future commitments and approvals that are made through formal planning and environmental processes in compliance with this Policy.
- (iii) Support future development and/or land use in areas not already subject to an existing planning or environmental commitment or approval that is compatible with bushland protection or provides for an improved environmental outcome.

Other Criteria

- (iv) Seek to minimise any likely adverse impacts (direct or indirect) and maximise the retention of regionally significant bushland through best-practice planning, design and management outcomes, where possible, consistent with the requirements of this Policy.
- (v) Recognise the regional and strategic targets and objectives of *Bush Forever*.
- (vi) Recognise the protection of regionally significant bushland as part of an integrated and balanced environmental, social and economic outcome; and encourage sustainability assessments consistent with the *State Sustainability Strategy* (2003).
- (vii) Support a general presumption against future urban, industrial or resource development in areas not already subject to an existing planning or environmental commitment or approval (which includes resource extraction outside Priority Resource Locations, Key Extraction Areas

and Extraction Areas identified in the *Basic Raw Materials Statement of Planning Policy No.10* (Government of Western Australia 2000)), unless there is an improved environmental outcome.

- (viii) Have regard to the nature of the receiving environment and seek to protect the core (highest) conservation values of the site/s in the following ways:
- a) Focus development within cleared, degraded and less intact areas of bushland, where possible; and seek to avoid fragmentation of the bushland area and provide for ecological linkages.
 - b) Protect bushland with the highest conservation value, with reference to a site's bushland values and environmental attributes (to be identified in the Statement of Environmental Effects); and, the selection criteria for regionally significant bushland (see *Bush Forever*, Government of Western Australia, 2000a and 2000c).
 - c) Seek to avoid unacceptable losses, which includes a general presumption against clearing regionally significant bushland containing:
 - Threatened Ecological Communities and species (as classified by the Conservation Commission of WA and/or listed under the *Commonwealth Environmental Protection and Biodiversity Act 1999*).
 - Threatened and poorly reserved plant communities (preliminary maps, Environmental Protection Authority, 1994).
 - Declared Rare Flora or Specially Protected Fauna; and, where possible, Priority or significant flora or fauna.
 - Lakes listed in the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* (Government of Western Australia, 1992) and other significant vegetated wetlands (in particular conservation category wetlands identified by the Department for Environment) along with an appropriate buffer from wetland depend vegetation consistent with relevant government policies and initiatives.
 - Vegetation complexes where less than 10 percent of the original extent currently remains on the Swan Coastal Plain portion of the PMR.
 - Wetland dependant vegetation fringing creeks, rivers and estuaries and an appropriate buffer in accordance with other relevant government policies and initiatives, which includes the *Environmental Protection (Swan and Canning Rivers) Policy 1998*.
- This general presumption is subject to on-site verification of the values, presence, condition and boundaries of the regionally significant bushland through a flora, vegetation and fauna survey (to be prepared as part of the Statement of Environmental Effects); an assessment of the long-term viability of the regionally significant bushland (such as its size, shape, connectivity and key threatening processes); consideration of the Negotiated Planning Solution Criteria contained in this Policy and any relevant specific policy measures herein; and other statutory requirements and policies.
- (ix) Seek to achieve a viable conservation (with reference to its size, shape, connectivity, key threatening processes and the ability of the conservation area to retain biodiversity values in the long-term) and development outcome, based on evidence supplied to the decision-making body.

(x) Seek to adopt and implement any relevant bushland-sensitive design measures (with particular reference to *Bush Forever; Government of Western Australia* 2000b, Practice Notes 5 and 10).

(xi) Require long-term protection, management and minimisation measures for regionally significant bushland identified for protection and management as part of a negotiated outcome.

This shall include the preparation and implementation of an Environmental Management Plan, where required in accordance with this Policy, which shall provide details of any proposed minimisation and environmental management measures to be adopted. Other long-term protection, management and minimisation measures include, but is not limited to, statutory planning controls and local government town planning scheme provisions, setting aside regionally significant bushland as a conservation reserve, a statutory conservation covenant and management agreements.

(xii) Take into account any proposed mitigation and offset measures (both on-site and off-site) for the loss of any regionally significant bushland within a Bush Forever Protection Area, where appropriate and practical, with particular reference to the following site implementation categories:

- Bush Forever Reserves (specific policy measure 5.2.1(i), part c); or
- Government Lands and Public Infrastructure (specific policy measure 5.2.3(i), part c).

(xiii) Support wider strategic outcomes, such as structure planning and land co-ordination mechanisms (specific policy measure 5.2.2 (iii), part a), or the consideration of number of land assets as part of a strategic package (specific policy measures 5.2.2 (iii), part b and 5.2.3 (ii)).

(xiv) Take into account any significant issues arising from the Statement of Environmental Effects and Environmental Management Plan (general policy measure 5.1 (iii), part a), where required.

(xv) Have regard to other relevant general and specific policy measures and requirements of this Policy and other planning and environmental considerations.

The extent to which the above criteria apply, and the weight given to them, will depend on the circumstances of each case considered, having regard to:

- what is appropriate and reasonable;
- the scale and nature of the proposal, its impacts and the nature of the receiving environment, particularly its bushland characteristics;
- the level of decision-making and stage in the development process;
- planning and environmental opportunities and constraints;
- the landowner's future intentions and capacity; and
- the advice received from any person, organisation or government agency consulted.

SCHEDULE 2

BUSH FOREVER PROTECTION AREAS - RURAL LANDS SITE IMPLEMENTATION CATEGORY

SPECIFIC POLICY MEASURE 5.2.4 (ii) - BEST PRACTICE CRITERIA FOR RURAL-LIVING SUBDIVISION FOR CONSERVATION AND/OR RURAL DEVELOPMENT

- (i) There is an overall bushland retention benchmark of generally not less than 90 per cent for each lot or for the whole site where multiple lots are proposed except where there are cleared, degraded or less intact areas, which should be developed first.
- (ii) It is supported by suitable long-term protection, management and minimisation measures through statutory planning controls and town planning scheme provisions that aim to secure an improved environmental outcome. These should include, but are not limited to, one or a combination of the following measures, subject to the circumstances of each case:
 - a. no clearing, grazing or development shall be permitted outside a designated development/building envelope, except where it is associated with essential services or infrastructure;
 - b. subdivision and development shall be in accordance with an approved subdivision/development guide plan, which shall include the location of development/building envelopes and one dwelling per lot;
 - c. restrictions on land use and development that is incompatible with bushland protection objectives, with particular reference to any current permitted uses under a local government town planning scheme;
 - d. a statutory conservation covenant is placed on the Title of each lot;
 - e. a management agreement is secured through a legal agreement;
 - f. areas being set aside as a conservation reserve and vested with an appropriate management body under s20A of the *Town Planning and Development Act 1928* where appropriate;
 - g. future landowner/s are notified of the existence of regionally significant vegetation and related controls and provisions, such as through the placement of a memorial on the Title of each lot;
 - h. an Environmental Management Plan is prepared and implemented, in accordance with this Policy, which should be linked and enforced through either the local government town planning scheme, a legal agreement or a conservation covenant; and

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- i. other relevant bushland-sensitive design measures are adopted (with particular reference to *Bush Forever*, Government of Western Australia 2000b, Practice Note 10) and implemented consistent with the bushland values of the site, including fencing, development/building envelopes controls (such as their size and location) and firebreaks controls.
 - (iii) Lot sizes will be considered on their merits, with an emphasis on the creation of large bush blocks, generally over 10 hectares. However, lot sizes will be dependent upon, but not limited to, consideration of the following:
 - a. the conservation values and characteristics of the site;
 - b. a presumption against intensive rural-living subdivision (i.e. lots generally below 4 hectares), except where it forms part of a mitigation/offset package designed to secure an improved environmental outcome, such as an averaging of lot sizes, the ceding of land as a conservation reserve for management by an appropriate body, the creation of some smaller lots within cleared or degraded areas combined with a larger lot for the core conservation area, cluster-style rural subdivision and development and/or it is in accordance with existing planning or environmental commitments or approvals;
 - c. the current size of the subject lot and its surrounds; and
 - d. other planning and environmental considerations, including fire management.
 - (iv) A complementary local government town planning scheme rezoning amendment is prepared and implemented, where appropriate, to facilitate the application of more detailed site-specific controls and provisions (including the measures identified in (i) to (iii) above) aimed at the protection of regionally significant bushland on any given site, and provided that they are consistent with the *Metropolitan Region Scheme Text* provisions for Bush Forever Protection Areas (which give effect to this Policy) as a minimum requirement.

Notwithstanding the above, provided that the measures identified in (i) to (iii) above are satisfactorily addressed, rural-living subdivision for conservation may be permitted irrespective of current local government town planning scheme zoning and lot size requirements. Rural development should generally be consistent with current zoning requirements.

- (v) Should agreement not be reached, or where it is considered the most appropriate option, the Commission may opt (in agreement with the landowner and subject to the availability of funds) to purchase the land and covenant and on-sell it to a landowner who is willing to manage the land for conservation. In some cases, the land may be reconfigured and/or subdivided to optimise the conservation outcome, to separate the cleared areas from the conservation component, or for marketing purposes.

Please also refer to *Bush Forever*, Government of Western Australia 2000b, Practice Notes 7 to 12.

INTERPRETATION

Adverse Impact - is a harmful effect and will generally involve, but is not limited to:

- (i) development wholly or partly within regionally significant bushland within a Bush Forever Protection Area that is likely to result in a direct impact through the clearing of regionally significant bushland; or
- (ii) development directly abutting regionally significant bushland within a Bush Forever Protection Area that is likely to result in a significant indirect impact, including, but not limited to: significant hydrological impacts, the spread of dieback, direct drainage into regionally significant bushland, significant access and weed infestation issues, fire management issues and other significant management implications or threatening processes arising from the proposal or decision.

Bushland - is land on which there is vegetation which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for native fauna (*Bush Forever*, Government of Western Australia (2000a)). Bushland falls into the following native vegetation condition classes: Pristine, Excellent, Very Good and Good (*Bush Forever*, Government of Western Australia 2000c, after Keighery 1994).

Bush Forever Sites - specific localities listed in *Bush Forever* as endorsed by Cabinet (Government of Western Australia, 2000), and identify regionally significant bushland recommended for protection.

Improved Environmental Outcome - where a proposal or decision, consistent with the requirements of this Policy, provides for, but is not limited to:

- “no net loss” or a “net gain” of regionally significant bushland (on-site or off-site) is protected and/or managed for conservation purposes; or
- a large/or significant area (on-site or off-site) of currently unprotected regionally significant bushland in a Bush Forever Protection Area (this will generally involve regionally significant bushland within a Bush Forever Protection Area site implementation category other than Bush Forever Reserves) is protected and/or managed for conservation purposes, while allowing some development in accordance with existing approvals and commitments or a Negotiated Planning Solution.

Local Natural Area - is an area that contains native species and communities in a relatively natural state, and includes naturally vegetated or non-vegetated areas such as water bodies (generally rivers, lakes and estuaries), bare ground (generally sand and mud) and rock outcrops (as adapted from the Environment Protection Authority (2003a) that exist outside Bush Forever sites (Swan Coastal Plain), the Conservation Commission of WA conservation estate and Parks and Recreation reserves in the Metropolitan Region Scheme, but excludes parkland cleared areas, isolated trees in cleared settings, ovals and turfed areas (as adapted from the Western Australian Local Government Association, 2004).

Mitigation - compensation for negative impacts by taking separate action with positive impacts, so there is likely to be no or little difference as a result (as adapted from *Offsets, Salinity and Native Vegetation*, New South Wales Department of Land and Water Conservation 2001). This will be generally in the form of an offset (on-site or off-site), which may include, but is not limited to:

- (i) conservation offsets - to compensate for any loss of regionally significant bushland resulting from a development or land use. This may include, but is not limited to:
 - an equivalent (“no net loss”) or larger area (“a net gain”) of regionally significant bushland is protected and/or management for conservation purposes - this shall generally apply to the Bush Forever Reserves or Government Land or Public Infrastructure site implementation categories, or
 - a large/or significant area of currently unprotected regionally significant bushland in a Bush Forever Protection Area (this will generally involve regional significant bushland within a Bush Forever Protection Area site implementation category other than Bush Forever Reserves) is protected and/or managed for conservation purposes, or
 - other forms of conservation credit; and/or
- (ii) development offsets - to protect and manage areas of regionally significant bushland larger than would normally be expected through a Negotiated Planning Solution, which may include, but is not limited to: density bonuses, open space credits, land exchanges or other forms of development credit.

Proposal or Decisions - are strategies, policies, town planning scheme zonings, structure plans, master plans, subdivision, development applications, building licences and any other issue requiring a decision, request, action or application under planning legislation within a Bush Forever Protection Area.

Protected - bushland that is under a management regime that provides for its continuing protection (*Bush Forever*, Government of Western Australia 2000a).

Reasonable Outcome - the definition will vary depending upon the circumstances of each case having regard to the Negotiated Planning Solution Criteria (see Schedule 1) and the specific policy measures for each Bush Forever Protection Area site implementation category, as applicable, outlined in this Policy.

Regionally Significant Bushland - bushland that meets the *Bush Forever* criteria for regional significance (*Bush Forever*, Government of Western Australia 2000a and 2000c).

Significant Adverse Impact - involves, but is not limited to:

- the clearing of over 1 hectare of regionally significant bushland within a Bush Forever Protection Area; or
- the clearing of regionally significant bushland within a Bush Forever Protection Area containing values identified in Schedule 1 (viii) part (c), and may include the clearing of regionally significant bushland under 1 hectare; or
- the clearing of regionally significant bushland or bushland within or abutting a Bush Forever Reserve (Existing or Proposed);

-
- development abutting regionally significant bushland within a Bush Forever Protection Area where there is likely to be a significant indirect adverse impact; or
 - cases where the extent and consequences of impacts on regionally significant bushland within a Bush Forever Protection Areas or its values are, in the opinion of the decision-making body, of a significant or sensitive nature. This includes the likely level of public interest (as adapted from *Environmental Impact Assessment (Part IV Division 1) Administrative Procedures 2002*, Environment Protection Authority).

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FIGURE 1
POLICY MEASURES FRAMEWORK

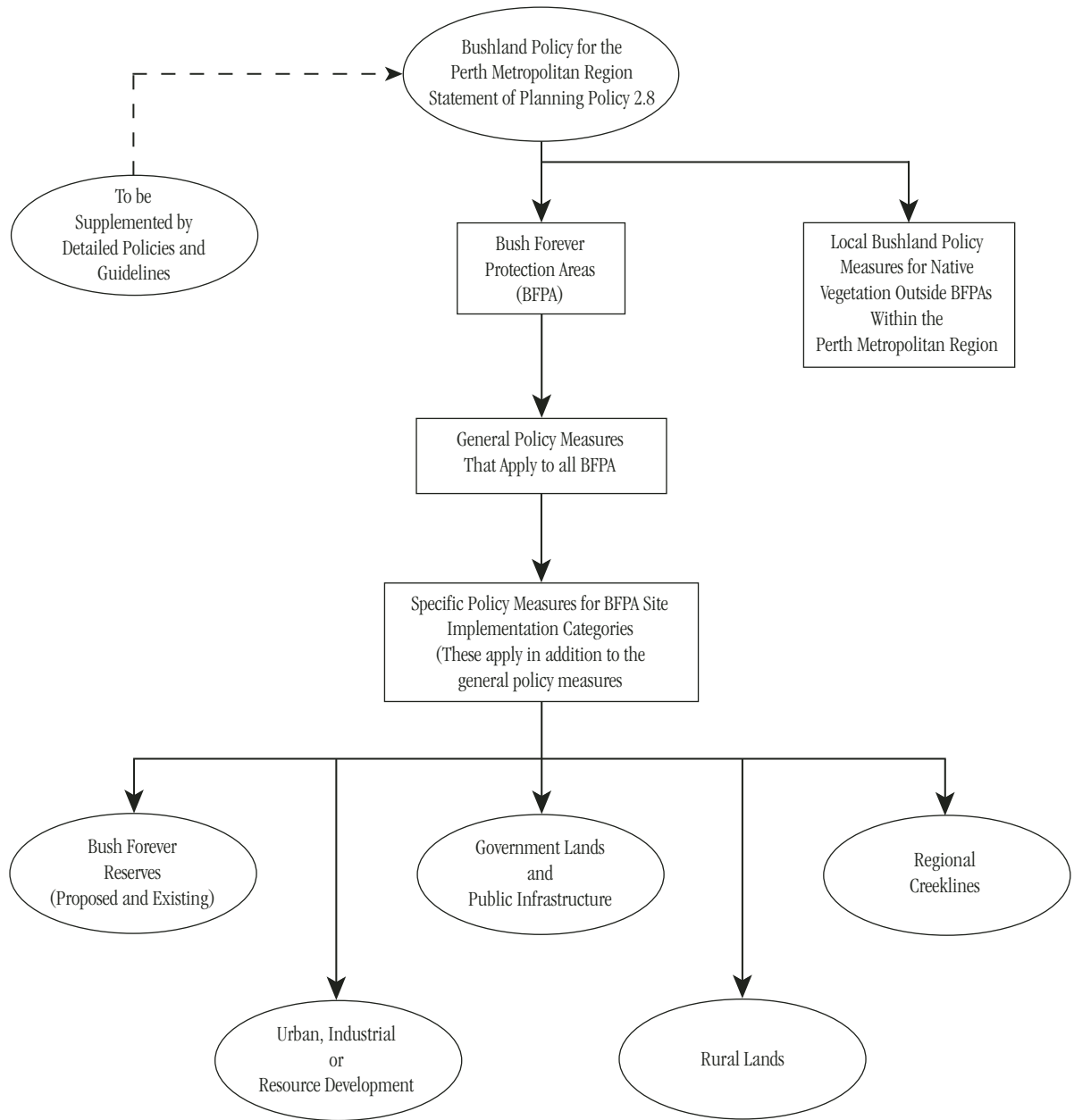
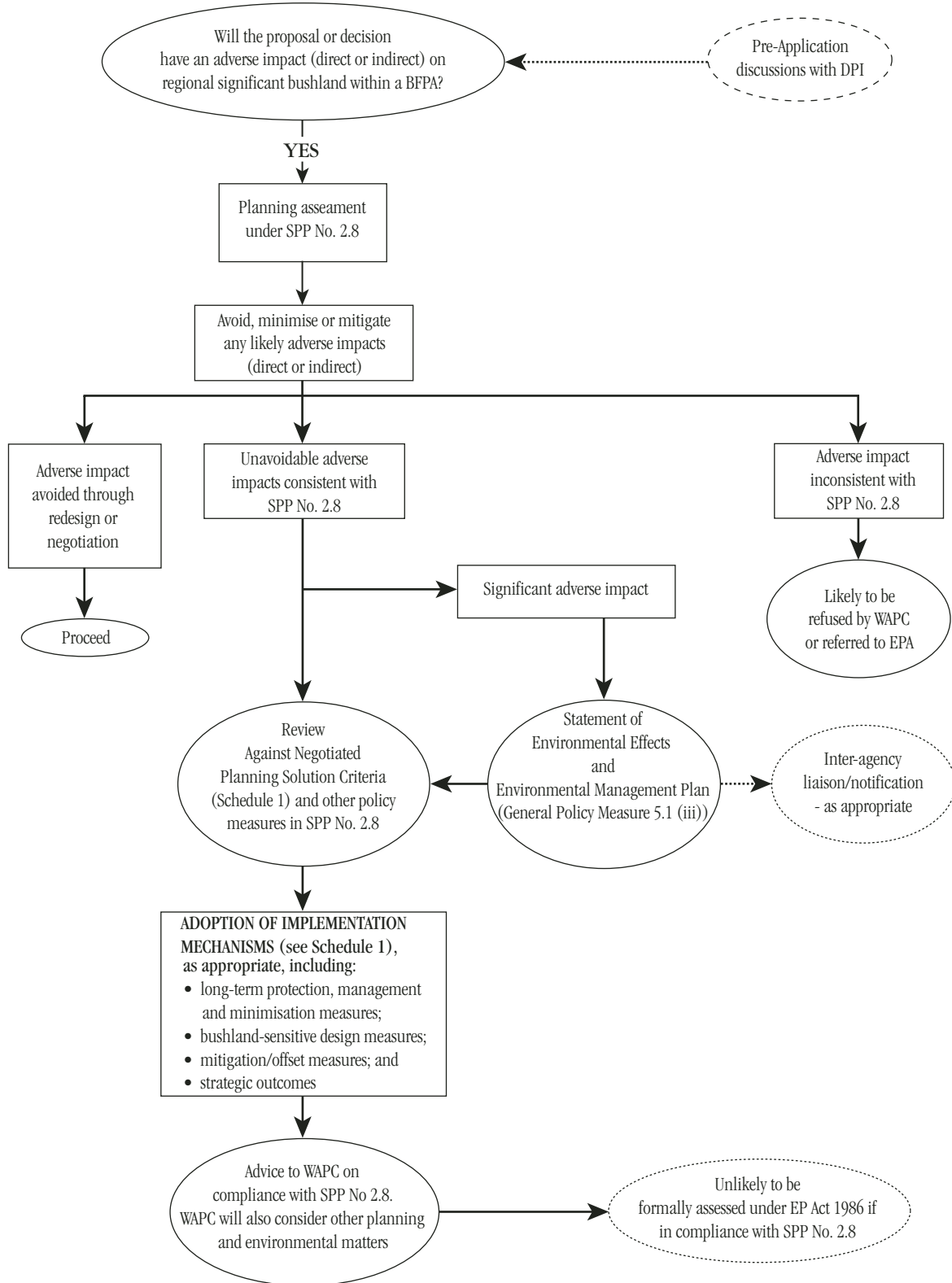


FIGURE 2

PLANNING ASSESSMENT PROCESS FOR BUSH FOREVER PROTECTION AREAS (BFPA)



Public submissions for the draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8

This draft policy has been released to seek public comment on the information in the policy. All aspects of the policy will be re-assessed prior to being finalised.

Every submission received will be acknowledged in writing and will be considered in the review process. All submissions will be treated in the strictest confidence.

When making a submission, it is very helpful to:

- clearly state your opinion and the reasons for your opinion
- if possible, outline possible alternatives or solutions to your area of interest
- if possible, include the section or page number which relates to your area of interest
- provide any additional information to support your comments.

A public submission form is included overleaf for your convenience, which can be posted free of charge. If you prefer to make a comment in an alternative format, please remember to include the relevant details as outlined on the submission form.

The closing date for submissions is Friday 12 November 2004

You can send your submissions free of charge to:

Draft Bushland Policy for the Perth Metropolitan Region
Statement of Planning Policy 2.8
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
Reply Paid 80014
PERTH WA 6000

If you would like more information on making a submission, please contact:

Tel: (08) 9264 7923
Fax (08) 9264 7566
email: corporate@wapc.wa.gov.au

We look forward to receiving your submission.

Public submission form

Draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8

1 Name:

.....

2 Organisation (if relevant):

3 Address:

.....

.....

4. Interest:

.....

.....

(eg local resident, business operator)

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

Comments:

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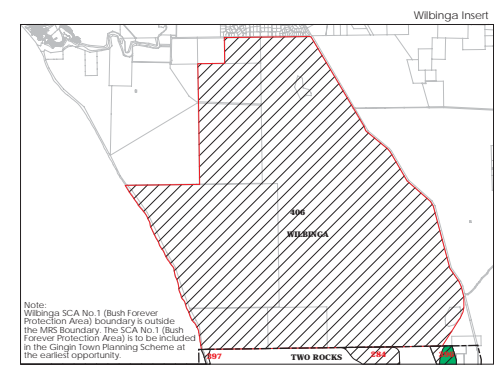
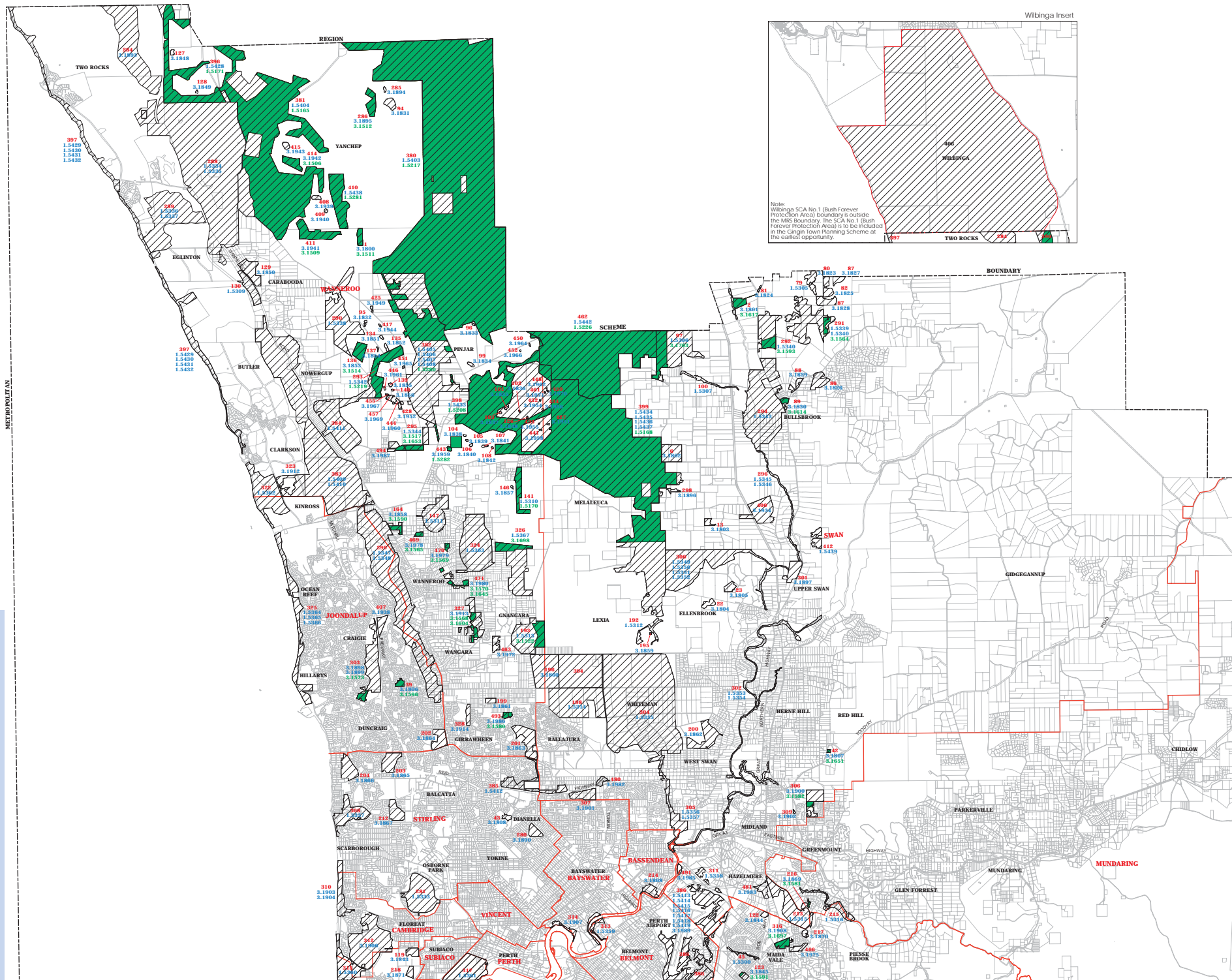
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Note:
 Wibinga SCA No.1 (Bush Forever Protection Area) boundary is outside the MRS boundary. The SCA No.1 (Bush Forever Protection Area) is to be included in the Gingin Town Planning Scheme at the earliest opportunity.

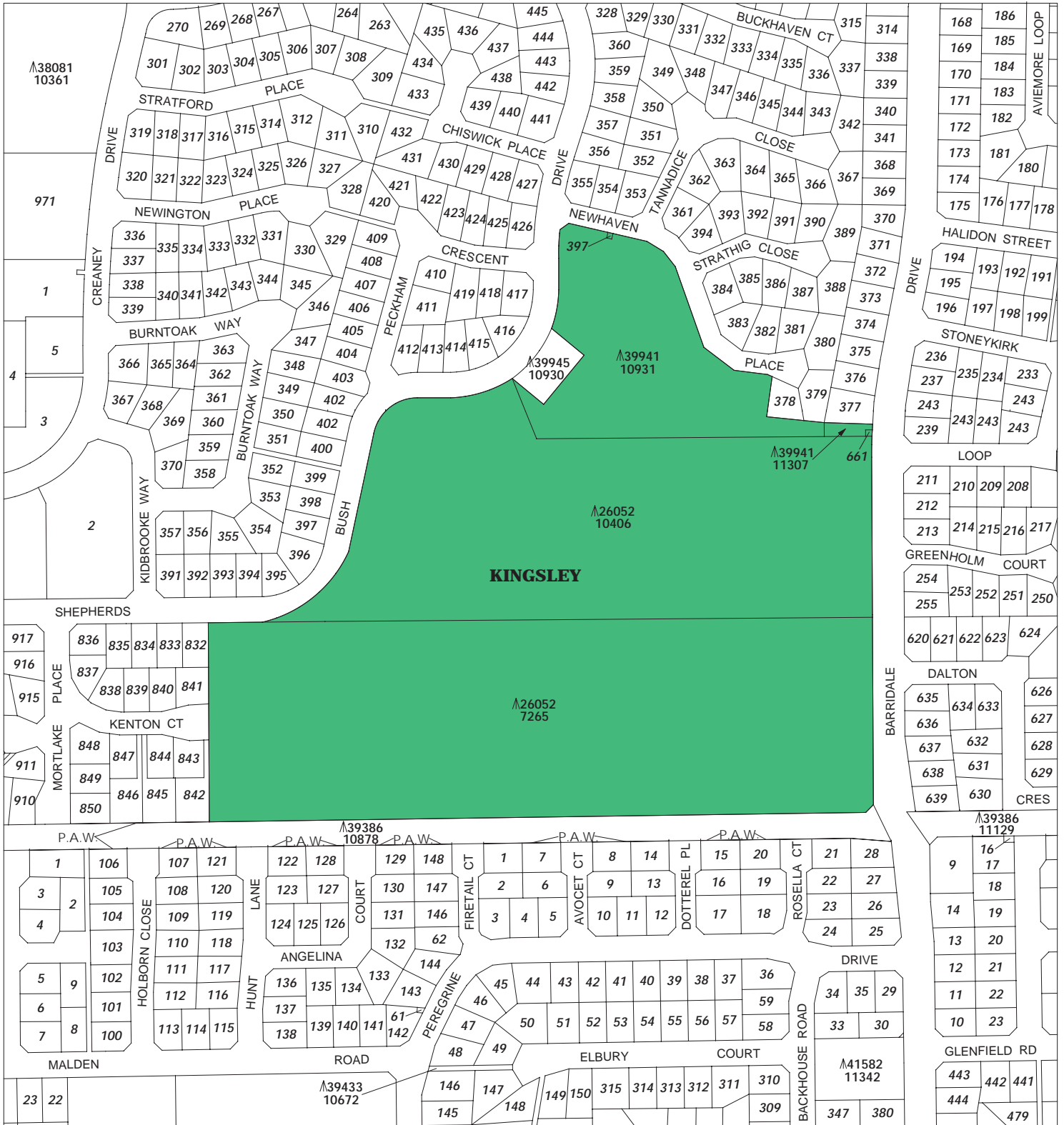


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 23 Jul 2024
 PRODUCED BY STATUTORY MAPPING SECTION
 PLANNING INFORMATION - MAPPING AND SPATIAL
 Cadastre Data supplied by Department of Land Information, WA.

- LEGEND**
- Parks and Recreation Reservation
 - Special Control Area No.1 Bush Forever Protection Area
 - Metropolitan Region Scheme Boundary
 - Cadastre
 - Local Government Boundaries
 - 1.2041 SCA No.1 Detail Plan Number
 - 1.2041 Parks & Recreation Detail Plan Number

MRS AMENDMENT NO. 1082/33
 BUSH FOREVER, PROPOSED SCA
 AND PARKS AND RECREATION
 RESERVATIONS NORTH

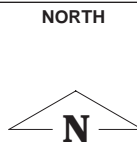


 Excluded from Urban Zone and included in Parks and Recreation Reservation.



DETAIL PLAN FOR MRS AMENDMENT NO. 1082/33 PROPOSAL NO. 3 - BFS 39

AUTHORISED: H. COLLIVER
 DRAFTSPERSON: T. LYNCH
 EXAMINED:
 REVISED:
 DATE: WAPC/661 26/08/2003



SCALE 1:3000

PLAN No

3.1596

FILE REF: 809/2/177
 PLAN REF: PERTH 09.40, SWAN 09.01
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