

PLANNING AND DEVELOPMENT ACT 2005

STATE PLANNING POLICY 2.8

**BUSHLAND POLICY FOR THE
PERTH METROPOLITAN REGION**

PREPARED UNDER SECTION 26 OF THE *PLANNING AND
DEVELOPMENT ACT 2005* BY THE WESTERN AUSTRALIAN
PLANNING COMMISSION.

PLANNING AND DEVELOPMENT ACT 2005

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STATE PLANNING POLICY 2.8

BUSHLAND POLICY FOR THE PERTH METROPOLITAN REGION**1. CITATION**

This is a State Planning Policy prepared under section 26 of the *Planning and Development Act 2005*. It may be cited as State Planning Policy 2.8: Bushland Policy for the Perth Metropolitan Region. For the purpose of this document, it will be referred to as the policy.

2. INTRODUCTION AND BACKGROUND**2.1 Policy aims**

The aim of the policy is to provide a policy and implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making. This will secure long-term protection of biodiversity and associated environmental values.

The policy recognises the protection and management of significant bushland areas as a fundamental consideration in the planning process, while also seeking to integrate and balance wider environmental, social and economic considerations. In general terms, the policy does not prevent development where it consistent with the policy measures in this policy and other planning and environmental considerations.

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 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 (green) 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 key elements in our move towards achieving an ecologically sustainable city.

2.3 Legislative Context—Clearing Controls

On 8 July 2004 new clearing controls came into effect regulating the clearing of native vegetation under Part 9 of the *Environmental Protection Act 1986*. The clearing controls generally require the obtaining of permits for the clearing of native vegetation.

As part of the regulatory changes, under the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005* the Bush Forever sites were classified as environmentally sensitive areas except to the extent to which the site is approved to be developed by the Western Australian Planning Commission (WAPC) to recognise the environmental significance of these sites. To the extent of such development approval, a clearing permit will not be required under the clearing controls if the clearing is "prescribed clearing" defined in Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. Thus, in respect of prescribed clearing on a Bush Forever site, a decision of the WAPC will be the decision under the clearing controls.

Additionally, in considering whether to grant a permit under the clearing controls in respect of a Bush Forever site, the Department of Environment and Conservation will have due regard to the advice of planning authorities on planning issues.

It is therefore imperative that planners understand the environmental significance of the Bush Forever sites and the range of policies, processes and outcomes to consider in making planning decisions and recommendations that will operate under and be consistent with the clearing controls.

2.4 General policy context

The WAPC has prepared State Planning Policy 2: *Environment and Natural Resources Policy*, as a broad overarching sectoral policy for environmental and natural resource planning in Western Australia. Under its biodiversity policy measures, areas of high biodiversity and conservation value are identified, which include sites identified in *Bush Forever*. This policy is a supplementary policy under the environment and natural resources policy and seeks to address, in more detail, the protection and management of significant bushland areas, particularly those identified for protection through strategies and processes at the regional and local level in the Perth Metropolitan Region. More specifically, it addresses the protection and management of Bush Forever sites, as identified in *Bush Forever*.

Bush Forever has been endorsed by the Western Australian Government and, for the area covered by the plan, undertakes to implement components of the Western Australian Government's commitments in the *Environmental Protection Act 1986*, *Urban Bushland Strategy* (Government of Western Australia 1995); the international *Convention on Biological Diversity* (1992); the Commonwealth Government's *National Strategy for the Conservation of Australia's Biodiversity* (1996); the *Environmental Protection and Biodiversity Conservation Act 1999*, and other international, national and State level policies and agreements.

Bush Forever identifies 51 200 hectares of regionally significant bushland recommended for protection and management in 287 Bush Forever sites, and includes lands with either some level of protection or unprotected land in both public and private ownership.

Through a range of mechanisms, including reservation and acquisition, negotiated planning solutions and the use of advice, assistance and incentive programs to support private conservation management, *Bush Forever* seeks to protect a target of at least 10 per cent of the original extent of each vegetation complex within the Perth Metropolitan Region portion of the Swan Coastal Plain.

Some areas of bushland and wetlands outside Bush Forever sites may have regional values, but were not identified for protection and management because of wider social and economic considerations. Rare flora, threatened ecological communities or regionally significant wetlands outside Bush Forever sites are protected through other government policies and legislation.

This policy provides the policy and implementation framework for Bush Forever areas shown in the Metropolitan Region Scheme, which cover Bush Forever sites.

The policy also supports the preparation of local bushland protection strategies by all local governments in the Perth Metropolitan Region. This will enable the identification of locally significant bushland sites for protection and management outside Bush Forever areas. The need for such strategies was identified in *Bush Forever*, the *Urban Bushland Strategy* and the *State Planning Strategy*. 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 recognise the importance of natural areas of native vegetation that do not fall within the definition of bushland, or naturally non-vegetated environments.

Local bushland protection strategies, biodiversity strategies or similar, should form part of or be set in the context of local or regional planning strategies and wider social and economic considerations. To assist local government, draft local biodiversity planning guidelines have been prepared by the Western Australian Local Government Association (2004).

3. APPLICATION OF THE POLICY

The policy applies to the Perth Metropolitan Region, and deals with two distinct subjects, being Bush Forever areas and local bushland.

3.1 Bush Forever areas

The policy measures in section 5.1 apply to any proposal or decision-making that is likely to have an adverse impact on regionally significant bushland within a Bush Forever area.

For the purposes of clarity, an adverse impact includes direct impacts (through the clearing of regionally significant bushland) and indirect impacts (such as development abutting regionally significant bushland within a Bush Forever area which will have a significant indirect impact). The policy does not apply if a proposal or decision has no adverse impact on regionally significant bushland within a Bush Forever area.

Existing cleared or developed areas within Bush Forever areas are not intended for protection through this policy or excluded from future development. However, any likely significant indirect impact on regionally significant bushland may be subject to planning or environmental controls.

Map 1 (at the rear of this policy) identifies Bush Forever areas, their associated site implementation categories (section 5.1.2) and mapped regionally significant bushland within Bush Forever areas. Bush Forever areas are also identified in the Metropolitan Region Scheme.

Map 1 forms part of this State Planning Policy and Bush Forever areas may be amended from time to time through amendments to this policy and complementary amendments to the Metropolitan Region Scheme. Site implementation categories may also be amended through amendments to this policy. Mapped regionally significant bushland within a Bush Forever area as shown on map 1 is for indicative purposes only and may be subject to on-site verification.

3.2 Local bushland

The policy measures in section 5.2 apply to all areas of bushland outside Bush Forever areas within the Perth Metropolitan Region.

4. POLICY OBJECTIVES

The three key objectives of this policy are—

- to establish a conservation system at the regional level (through Bush Forever areas and to operate with the clearing controls under the *Environmental Protection Act 1986*) that is, as far as is achievable, comprehensive, adequate and representative of the ecological communities of the Swan Coastal Plain portion of the Perth Metropolitan Region;¹
- to seek to protect and manage significant bushland recommended for protection and management for conservation purposes through a range of implementation mechanisms and as a collective and shared responsibility and general duty of care on the part of government, landowners and the community; and
- to provide a policy and implementation framework for significant bushland areas recommended for protection and management to assist conservation planning, planning assessment and decision-making processes.

This implementation framework will ensure—

- consistency, transparency and certainty for landowners, decision-makers and the broader community;
- integrated and balanced environmental, social and economic outcomes;
- existing planning or environmental commitments or approvals are recognised; and
- 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 in this policy (Figure 1) identify specific information requirements, issues requiring special consideration and, more specifically, planning assessment and decision-making criteria and processes for bushland areas in the Perth Metropolitan Region.

Bush Forever areas (section 5.1)

The general policy measures (section 5.1.1) apply to regionally significant bushland within all Bush Forever areas. The specific policy measures (section 5.1.2) apply to regionally significant bushland within Bush Forever area site implementation categories, as applicable, and apply in addition to the general policy measures. Map 1 identifies the Bush Forever areas and their associated site implementation categories.

The five site implementation categories defined by this policy include Bush Forever reserves (existing or proposed); urban, industrial or resource development; government lands or public infrastructure; rural lands; and regional creek lines. The key characteristics of these categories are explained in the glossary at the rear of this policy.

Local bushland (section 5.2)

The local bushland policy measures apply to all areas of bushland outside Bush Forever areas and support the preparation of a local bushland protection strategy by all local governments within the Perth Metropolitan Region as a preferred basis for decision-making.

5.1 Bush Forever areas

5.1.1 General policy measures for all Bush Forever areas

Application: Regionally significant bushland within all Bush Forever areas identified in the Metropolitan Region Scheme and on map 1 (and any subsequent amendments).

Impact assessment process

Proposals or decision-making should—

- (i) Recognise regionally significant bushland protection and its management as a primary purpose and a fundamental planning consideration in its own right as part of an area's essential environmental (green) infrastructure.
- (ii) Ensure that all reasonable steps have been taken to avoid, minimise or offset (in combination, generally meaning to mitigate) any likely adverse impacts on regionally significant bushland consistent with the requirements of this policy.

¹ For this purpose, this policy and *Bush Forever* recognise 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 Perth Metropolitan Region, which is recognised as a constrained area. However, there may be further opportunities to achieve greater representation through the protection of vegetation complexes on less constrained portions of the Swan Coastal Plain outside the Perth Metropolitan Region (with reference to the 30 per cent target established for ecological communities in the Commonwealth Government's *National Objectives and Targets for Biodiversity Conservation* (2001–2005), which is the threshold level below which species loss appears to accelerate exponentially (Environment Protection Authority *Position Statement No. 2*, 2000).

- (iii) Adopt or incorporate the impact assessment process and criteria as set out in Appendix 1 and 2 where there is likely to be an unavoidable adverse impact on regionally significant bushland within a Bush Forever area consistent with the requirements of the policy (Figure 2 provides guidance on the impact assessment process which applies in addition to normal planning and environmental information requirements and considerations).
- (iv) Recognise that once a site has been negotiated and an outcome agreed in accordance with the policy measures in this policy, there will be a general presumption against the clearing of regionally significant bushland identified for protection, unless there is an improved environmental outcome.
- (v) Have regard to other relevant policies in respect to bushland and wetland areas, including *Bush Forever* (Government of Western Australia 2000a and 2000c) and its related site implementation *Practice Notes* (Government of Western Australia 2000b), *A Strategic Plan for Perth's Greenways Final Report* (Alan Tingay and Associates, 1997), 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.

Bush Forever area boundaries

Proposals or decision-making should—

- (vi) Recognise that Bush Forever area boundaries and 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.

Regionally significant bushland within a Bush Forever area as shown on map 1 is for information purposes only and may be subject to on-site verification.

Regionally significant bushland management

Proposals or decision-making should—

- (vii) Encourage, support and require, consistent with this policy, bushland management plans and the management of regionally significant bushland for conservation purposes.
- (viii) Support co-ordinated bushland management advice and assistance through the Department of Environment and Conservation, in conjunction with other relevant government and non-government agencies.

5.1.2 Specific policy measures for Bush Forever area (BFA) site implementation categories

5.1.2.1 BFA—Bush Forever reserves (existing or proposed)

Application

Where land includes—

- regionally significant bushland within the Bush Forever reserves (existing or proposed) site implementation category on map 1 (and any subsequent amendments); or
- regionally significant bushland proposed for and/or reserved for parks and recreation in the Metropolitan Region Scheme through the ongoing implementation of *Bush Forever* located within another site implementation category on map 1.

Proposals or decision-making should—

- (i) Support a general presumption against the clearing of regionally significant bushland, or other degrading activities, except where a proposal or decision—
 - (a) is consistent with existing approved uses or existing planning/environmental commitments or approvals; or
 - (b) is in accordance with a management plan approved under the *Conservation and Land Management Act 1984*; or
 - (c) is a compatible operation or necessary operation carried out under the *Conservation and Land Management Act 1984*; or
 - (d) is in accordance with a management plan, or similar, which has been endorsed by the WAPC and has appropriately considered bushland protection requirements; or
 - (e) is consistent with the overall purpose and intent of an existing Crown reserve or can be reasonably justified with regard to wider environmental, social, economic or recreational needs, and all reasonable alternatives have been considered in order to avoid or minimise any direct loss of regionally significant bushland, and reasonable offset 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 (existing or proposed) in private ownership as an alternative to State acquisition, where appropriate, particularly where public access or public land management for conservation is not requirement.

- (iv) Support management orders in favour of conservation for Crown reserves under the *Land Administration Act 1997*, where appropriate, to provide added long-term security.
- (v) Require the preparation and implementation of a bushland management plan to manage the Bush Forever reserve for conservation purposes once it is consolidated in government ownership; and, prior to this, support the implementation of interim land management measures by the responsible authority for areas in government ownership.
- (vi) Seek to reserve all government-owned Bush Forever reserves (existing or proposed) for parks and recreation in the Metropolitan Region Scheme to provide added planning security and protection.

5.1.2.2 BFA—Urban, industrial or resource development

Application

Where land includes—

- regionally significant bushland within the urban, industrial or resource development site implementation category on map 1 (and any subsequent amendments); or
- regionally significant bushland identified as a priority resource location, key extraction area or extraction area in State Planning Policy 2.4: *Basic Raw Materials* (Government of Western Australia 2000), or containing pre-existing mining commitments or approvals, or with *Mining Act 1978* tenements that contain identified titanium mineralisation, all of which may be located within another site implementation category on map 1.

Proposals or decision-making should—

- (i) Recognise regionally significant bushland in this category as constrained by existing commitments, approvals (including existing mining operations, which may continue to operate in accordance with their existing levels of extraction approvals) and policies and seek a reasonable balance between conservation and development or resource extraction through a negotiated outcome, 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 and able to be developed in isolation this will generally involve a 'stand-alone' negotiated solution with a bushland retention target for each site determined on a case-by-case basis, but 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, which include the following—
 - (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 apply at the early stages of planning where development or subdivision approval has not been granted or where an affected area is in fragmented ownership and 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 (section 5.1.2.3, specific policy measure ii) where a landowner or company has a number of land assets and there will be greater scope to protect regionally significant bushland in its entirety.
- (iv) Recognise that for resource extraction areas, a strategic outcome (specific policy measure 5.1.2.2, iii, b above) is the favoured approach, and that there may be overriding restrictions on future extraction for environmental reasons.

Opportunities for improved environmental outcomes for lands with existing resource commitments, approvals and operations should be sought.

- (v) Ensure that regionally significant bushland identified for protection and management as part of a negotiated outcome is clearly demarcated on any plan of approval as a reserve for conservation and is vested with an appropriate management body under the relevant legislation and in accordance with standard requirements, 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 outcome for parks and recreation in the Metropolitan Region Scheme 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 free of cost 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 10 per cent open space contribution where it is demonstrated that—

- the conservation area or portion serves a local passive recreational function which is consistent with the values of the bushland and the conservation management objectives for the site;

- management infrastructure and other measures are provided that support the use and management of the conservation area in accordance with an endorsed 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; and
- other planning and environmental considerations and policies of the WAPC have been taken into account.

5.1.2.3 BFA—Government lands or public infrastructure

Application

Where land includes—

- regionally significant bushland within the government lands or public infrastructure site implementation category on map 1 (and any subsequent amendments); or
- regionally significant bushland located within another site implementation category on map 1 that is likely to be adversely affected by existing or proposed public infrastructure or utility services.

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, in particular, existing reserves for roads (regional or local), railways, pipelines, water or drainage services and any associated emergency maintenance works, with any impacts minimised and managed, where practical, in accordance with existing environmental management plan best practice requirements; or
 - (b) is in accordance with a master plan, management plan, or similar, which has been endorsed by the WAPC and has appropriately considered bushland protection requirements; or
 - (c) can be reasonably justified with regard to wider environmental, social and economic considerations (in particular, future road (regional or local) and rail requirements) and all reasonable alternatives have been considered to avoid or minimise any direct loss of regionally significant bushland, and reasonable offset strategies are considered to offset any loss of regionally significant bushland, where appropriate and practical.
 - (d) is the subject of an agreement between the public authority and the Commission
- (ii) Seek to optimise the protection of regionally significant bushland through strategic assessments of land assets (named Bush Forever sustainability strategies) owned by each affected State government agency as part of government agency sustainability action plans, as required by the *State Sustainability Strategy 2003* and with reference to *Leading by Example: The sustainability code of practice for government agencies and resource guide for implementation* (Government of Western Australia, 2004); and support similar approaches by local government and Commonwealth agencies.

Bush Forever sustainability strategies should review affected land assets to achieve strategic outcomes that effectively integrate and balance environmental, social and economic considerations, in consultation and agreement with the WAPC and other relevant government agencies. In the interim, elements of these strategies should be implemented; in particular management plans for lands in government ownership.

- (iii) Seek to reserve lands that are already managed or recognised for conservation, or lands of the highest conservation value, for parks and recreation in the Metropolitan Region Scheme to provide added planning security and protection, while recognising existing management arrangements, uses and the future management requirements of the responsible management body.
- (iv) Support management orders in favour of conservation under the *Land Administration Act 1997* for Crown reserves already managed or recognised for conservation or unallocated, or of the highest conservation value.

5.1.2.4 BFA—Rural lands

Application: Regionally significant bushland within the rural lands site implementation category on map 1 (and any subsequent amendments).

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) Only support future rural-living subdivision for conservation and rural development (including a single residential building envelope) in areas not already committed or approved for development where appropriate having particular regard to the best practice criteria identified in Appendix 3, subject to other planning and environmental considerations.

- (iii) Seek opportunities for improved environmental outcomes for intensive rural-living subdivision (ie lots generally below 10 hectares) or development with existing planning or environmental commitments or approvals.

5.1.2.5 BFA—Regional creeklines

Application: Regionally significant bushland within the Regional creeklines site implementation category on map 1 (and any subsequent amendments).

Proposals or decision-making should—

- (i) Support the protection and management of regionally significant bushland, and any related buffer and foreshore requirements, along regional creeklines in accordance with other relevant government Acts, policies and initiatives.
- (ii) Support a general presumption against the clearing of regionally significant bushland along regional creeklines, subject to other relevant government Acts, policies and initiatives.
- (iii) Ensure that any future subdivision retains regionally significant bushland along creeklines within a single lot, where possible, and avoids lot boundaries severing regionally significant bushland.

5.2 Local bushland

Application: All areas of bushland outside Bush Forever areas within the Perth Metropolitan Region.

Local government should—

- (i) Seek to prepare a local bushland protection strategy, which should—
 - (a) be part of a wider local biodiversity strategy (which may include an assessment of local natural areas) or similar, where possible;
 - (b) be a component of a wider local planning strategy, where possible, and as part of a review of a local government town planning scheme, or as an independent strategy where there are significant issues and pressures relevant to the protection of local bushland, while taking into consideration the broader planning framework;
 - (c) be based on metropolitan-wide guidelines endorsed by the WAPC;
 - (d) identify, or establish processes to identify significant bushland sites for protection and management based on environmental, social and economic criteria and taking into consideration existing approvals and commitments—in particular, site identification should utilise structure planning and rezoning processes and avoid onerous information requirements at the detailed planning stage;
 - (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 in consultation with affected landowners, the broader community, the WAPC and other relevant government agencies;
 - (g) exclude the Conservation Commission of WA managed conservation estate and parks and recreation reserves in the Metropolitan Region Scheme, which are part of the State reserve system and are of regional importance; and
 - (h) be formally considered and endorsed by council and the WAPC, with particular reference to the policy measures listed above.
- (ii) As an interim measure, prior to formal endorsement of a local bushland protection strategy, local government should seek to identify and protect significant bushland through other planning processes or studies, such as structure planning and rezoning processes.

The lack of a formally endorsed local bushland protection strategy should not, in itself, be a reason to refuse a planning proposal. Each proposal should be considered on its merits, with particular regard to specific policy measure 5.2 (iv) below, and existing planning processes or studies that identify significant bushland for protection.

Proposals or decision-making should—

- (iii) Have regard to the protection of significant bushland sites recommended for protection and management in an endorsed local bushland protection strategy or through other planning processes or studies that have been formally endorsed by council and the WAPC.
- (iv) Support a general presumption against the clearing of bushland, or other degrading activities, for area's containing—
 - the environmental values identified in Appendix 2 (ix) b; 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 Metropolitan Region Scheme outside the Swan Coastal Plain portion of the Perth Metropolitan Region, except where it is in accordance with the exemptions identified in policy measure 5.1.2.1 (i).
- (v) Proactively seek to safeguard, enhance and establish ecological linkages between Bush Forever areas; and between Bush Forever areas and those areas identified for protection through the implementation of the specific policy measures in this section.

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 by the WAPC and local governments when considering a planning proposal or in undertaking any decision-making affecting significant bushland areas.

With regard to regionally significant bushland, a Bush Forever area has been established as an overlay in the Metropolitan Region Scheme to alert the public and to identify regionally significant bushland protection that overlap zone and reserve boundaries and requires special consideration through the application of this Policy. Related requirements have been established in notice of delegation under the *Western Australian Planning Commission Act 1985*, which establishes development control requirements under the Metropolitan Region Scheme. The Bush Forever area also provides a basis for planning policy to operate in conjunction with the statutory clearing controls under the *Environmental Protection Act 1986*.

Proposals will be judged on their merits with decision-making bodies having due regard to the policy measures in this policy and other planning and environmental considerations. Where a proposal or decision-making is likely to have an unavoidable adverse impact on regionally significant bushland within a Bush Forever area, the impact assessment process outlined in Appendix 1 will apply. Significant adverse impacts will trigger additional information requirements. As part of this approach, this policy seeks to 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.

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. Early consultation with the decision-making body is recommended. 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 decision-making body may request further scientific information or refuse the proposal on the basis that it is not supported by sufficient technical arguments.

The policy will also integrate and co-ordinate the activities of other agencies and bodies that influence the use and development of land. This policy does not constrain the independence of other statutory decision-making bodies or remove the obligation to obtain the necessary approvals under other legislation. However, in accordance with the *Environment Protection Authority Bulletin 1007* (Environmental Protection Authority 2001, 2003a), it is expected that if a proposal achieves a reasonable conservation outcome in compliance with this policy, it is unlikely to be formally assessed under part IV of the *Environmental Protection Act 1986*, unless there are other significant environmental factors requiring assessment.

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. Most development control powers under the Metropolitan Region Scheme are delegated to local government, but the WAPC retains specific powers and certain developments are exempt from the need to obtain development approval under the Metropolitan Region Scheme. With the introduction of Bush Forever areas, development control delegation provisions to local government under the notice of delegation are retained. Subdivision powers reside with the WAPC.

As noted above, under amendments to the *Environmental Protection Act 1986*, clearing of native vegetation in Western Australia generally requires a clearing permit, submitted to, and approved by the Department of Environment and Conservation. This does not replace the need for planning to consider native vegetation in decision-making as clearing permit exemptions apply to some planning approvals, such as a subdivision approval, and the planning decision-making body is required to have due regard to this policy.

Prior to making a development control decision that involves the clearing of native vegetation within a Bush Forever area, local authorities are advised to consult with the Department of Environment and Conservation regarding vegetation-clearing aspects, where appropriate. This process facilitates closer integration of decision-making under separate legislation where development involves clearing.

Further guidance on the policy measures and requirements of this policy is proposed. These should be read in conjunction with this policy. The policy will be monitored on an ongoing basis and reviewed as required or at least within five years of its operation.

Figure 1
SPP 2.8: POLICY MEASURES FRAMEWORK

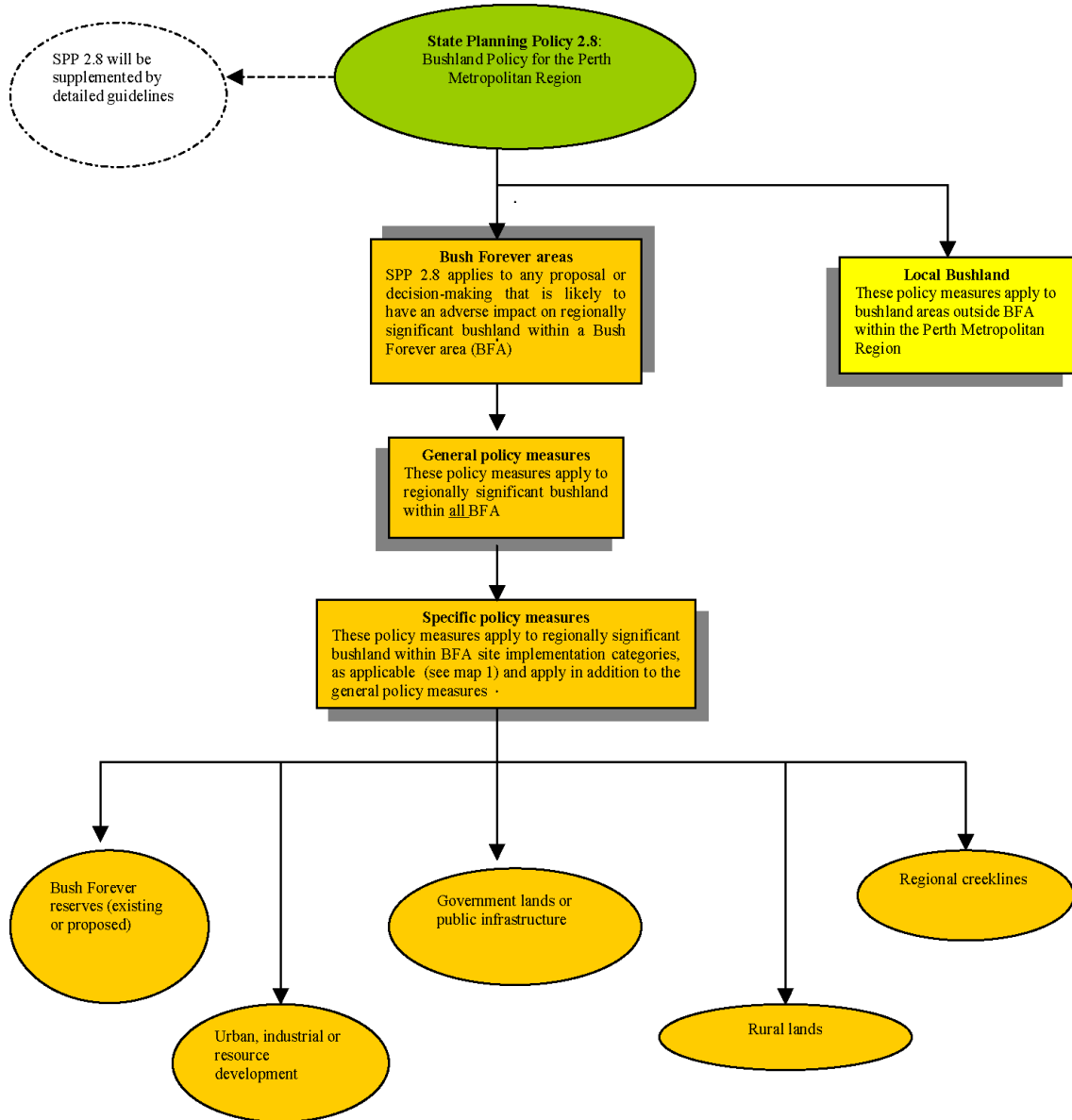
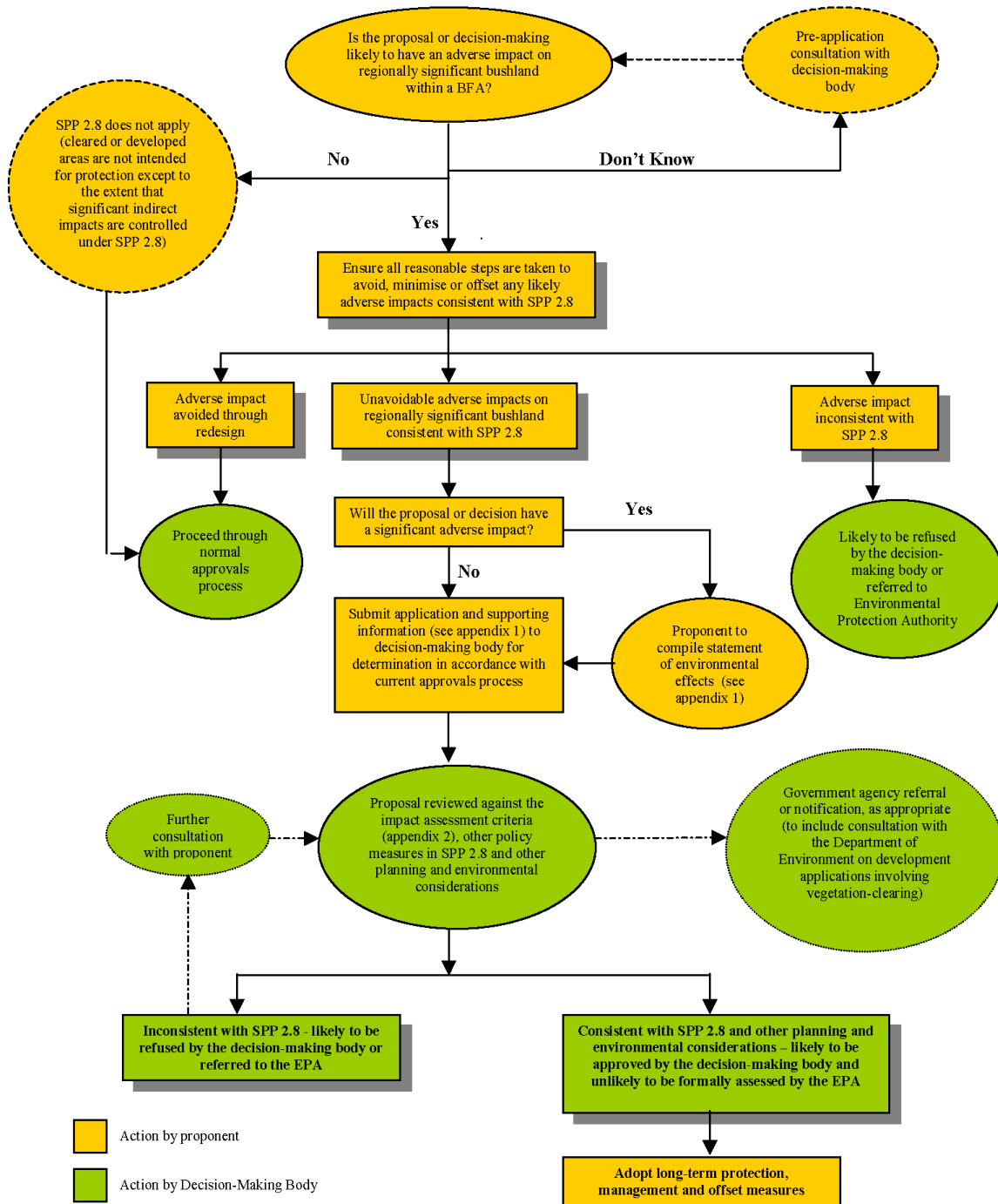


Figure 2
SPP 2.8: IMPACT ASSESSMENT PROCESS FOR BUSH FOREVER AREAS (BFA)



Appendix 1

BUSH FOREVER AREAS (ALL)

IMPACT ASSESSMENT PROCESS

This appendix applies to any proposal or decision-making that is likely to have an unavoidable adverse impact on regionally significant bushland within a Bush Forever area consistent with the requirements of the policy (specific policy measure 5.1.1 iii). Figure 2 provides guidance on the impact assessment process.

All reasonable steps should be taken to avoid and minimise any likely adverse impacts in the first instance. However, where there is likely to be an unavoidable adverse impact on regionally significant bushland within a Bush Forever area consistent with the requirements of this policy, the planning assessment process outlined below will be adopted. The proponent should determine what the likely level of impact on regionally significant bushland will be in consultation with the decision-making body and shall provide sufficient information, as outlined below, to permit an assessment by the decision-making body.

The purpose of the planning assessment process is to ensure the appropriate integration of bushland protection considerations in decision-making by ensuring planning decisions are supported by the best available information and decision criteria, in order to promote ecologically sustainable design outcomes.

Ideally, the assessment process should be employed early in the planning process and at a broad strategic level to achieve the best outcomes.

Accompanying material

Significant impacts

A statement of environmental effects shall be prepared by the proponent where there is likely to be a significant adverse impact on regionally significant bushland within a Bush Forever area.

The statement of environmental effects shall include, but is not limited to, the following information requirements—

- (i) provide evidence and demonstrate that a proposal or decision is consistent with this policy, in particular the planning assessment criteria set out in Appendix 2;
- (ii) describe and provide a rationale and planning context for the proposal;
- (iii) describe the impacted area's bushland values and environmental attributes (to be consistent with the information sets in *Bush Forever* and with reference to the site descriptions therein; and *Environmental Protection Authority Guidance Statements 51 and 56* (EPA 2003b and 2003c), where appropriate);
- (iv) demonstrate that all reasonable steps have been taken to avoid or minimise any likely adverse impacts consistent with the requirements of this policy, including a review of reasonable alternatives and details of any bushland-sensitive design measures to be adopted;
- (v) provide an evaluation of and justification for any likely adverse impacts;
- (vi) provide an environmental and/or bushland management plan, where appropriate, and details of proposed conservation management measures to be adopted; or, where agreed, the environmental and/or bushland management plan or related measures may be a requirement through the statutory planning process; and
- (vii) provide details of proposed long-term protection, management, offset measures and implementation commitments to be adopted.

Where this is not required as part of the normal planning process, the statement of environmental effects may be made available to the public.

Minimal impacts

Where there is likely to be a minimal adverse impact on regionally significant bushland within a Bush Forever area, sufficient information shall be presented by the proponent to enable an assessment of the impacts of a proposal or decision-making on the bushland values of the site; shall demonstrate that the proposal has been designed to avoid or minimise impacts and will not cause a significant impact; is consistent with this policy; and shall provide details of any proposed design, protection and management measures to be adopted.

The decision-making body may waive the information requirements set out above for significant and minimal impacts and modify or request additional information, as appropriate. Further guidance on the above information requirements is proposed to supplement this policy.

The above information requirements do not remove the need for other information requirements to support a planning decision and may form part of a planning proposal (such as a structure plan or town planning scheme amendment), or for information required through other policies or legislation, and by other agencies.

Matters to be considered

Where there is likely to be an adverse impact on regionally significant bushland within a Bush Forever area, the decision-making body will have regard to the policy measures in this policy, and shall have particular regard to the impact assessment criteria (Appendix 2) as a basis for a determining a reasonable outcome and the acceptability of a proposal.

The policy measures and decision criteria in this policy apply in addition to normal planning and environmental considerations.

The extent to which the above information requirements and criteria apply, and the weight given to them, will depend on the circumstances of each case, with regard to—

- (i) what is appropriate and reasonable;
- (ii) the scale and nature of the proposal and its level of impacts;
- (iii) the bushland values of the subject site, particularly its sensitivity and significance;
- (iv) the level of decision-making and stage in the planning process;
- (v) planning and environmental opportunities and constraints;
- (vi) the landowner's future intentions and capacity to deliver any requirements; and
- (vii) the advice received from any person, organisation or government agency consulted.

Appendix 2

BUSH FOREVER AREAS (ALL)

IMPACT ASSESSMENT CRITERIA

As part of the impact assessment process outlined in Appendix 1, the decision-making body shall have particular regard to the following impact assessment criteria as a basis for determining a reasonable outcome and the acceptability of a proposal.

For significant adverse impacts, the proponent shall be required to supply evidence and demonstrate to the decision-making body that a proposal or decision is consistent with the criteria.

While not constraining or obviating the need for approvals under other legislation, the criteria and outcome achieved will be a consideration in environmental approval processes.

The impact assessment criteria are as follows—

Site implementation considerations

- (i) Have particular regard to a Bush Forever area's site implementation category and any associated specific policy measures in this policy (section 5.1.2), as applicable.
- (ii) Seek bushland protection outcomes early in the planning process and wider strategic outcomes, including the use of local planning strategies, structure planning and land co-ordination mechanisms, or the consideration of a number of land assets as part of a strategic package (including those areas of indigenous heritage value).
- (iii) Recognise the regional and strategic targets, objectives and implementation guidelines contained in *Bush Forever* and its related *Practice Notes* (Government of Western Australia 2000a and b).
- (iv) Recognise existing planning or environmental commitments or approvals (including those relating to Aboriginal heritage sites within the meaning of the *Aboriginal Heritage Act 1972*), and future commitments and approvals that are made through formal planning and environmental processes in compliance with this policy.
- (v) Support future development or land uses in areas not already subject to an existing planning or environmental commitment or approval that is compatible with this policy and bushland protection or provides for an improved environmental outcome.
- (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), where possible.
- (vii) Recognise the viability of appropriate development consistent with this policy, based on evidence supplied to the decision-making body.
- (viii) Support a general presumption against future urban, industrial or resource development in areas not already subject to an existing planning or environmental commitment, approval or policy (which includes resource extraction outside priority resource locations, key extraction areas and extraction areas identified in the *State Planning Policy 2.4: Basic raw materials* (Government of Western Australia 2000)), unless there is an improved environmental outcome.

Conservation and design considerations

- (ix) Have regard to the conservation values of the subject site and seek to protect the core (highest) conservation values in the following ways—
 - (a) Protect bushland with the highest conservation value, with reference to the site's bushland values and environmental attributes (to be identified in the statement of environmental effects, where required); and, the selection criteria for regionally significant bushland and site descriptions in *Bush Forever* (Government of Western Australia, 2000c).

- (b) Seek to avoid unacceptable losses, which includes a general presumption against clearing bushland, or other degrading activities, for area's containing—
- threatened ecological communities and species listed under the Commonwealth's *Environmental Protection and Biodiversity Act 1999*;
 - an ecological community that has been determined by the Minister for the Environment to be a threatened ecological community, and is referred to in the list of threatened ecological communities maintained by the Chief Executive of the Department principally assisting in the administration of the *Conservation and Land Management Act 1984*;
 - 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 or wetlands listed in the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* and the *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004*, and other significant vegetated wetlands (most notably conservation category wetlands as identified by the Department of Environment's *Geomorphic Wetlands Swan Coastal Plain* dataset and recognised Aboriginal sites), and appropriate buffer and foreshore requirements consistent with other relevant government policies;
 - vegetation complexes where 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 portion of the Perth Metropolitan Region); and
 - wetland dependent vegetation fringing creeks, rivers and estuaries and appropriate buffer and foreshore requirements in accordance with other relevant government policies and initiatives.

This general presumption is subject to—

- on-site verification, where required, of the values, presence, condition and boundaries of bushland and wetland areas—to be prepared as part of the statement of environmental effects, where required, and consistent with guidelines prepared by the Environment Protection Authority (2003b and 2003c), where appropriate;
 - an assessment of the bushland's long-term viability, such as size, shape, connectivity and key threatening processes;
 - consideration of other impact assessment criteria in this appendix and other relevant policy measures in this policy; and
 - any advice received from key State government agencies with regard to other statutory requirements and policies.
- (x) Seek to adopt and implement any relevant bushland-sensitive design measures (with particular reference to *Bush Forever, Practice Notes 5 and 10*, Government of Western Australia 2000b), particularly—
- seek to avoid or minimise any likely adverse impacts (including a review of reasonable alternatives) and maximise the retention of regionally significant bushland, consistent with the requirements of this policy, through best-practice planning, design and management outcomes;
 - focus development within cleared, degraded and less intact areas of native vegetation and minimise the development "footprint";
 - seek to avoid fragmentation of the bushland area and provide for ecological linkages and 'stepping stones'; and
 - seek to achieve a viable conservation outcome, with reference to bushland size, shape, connectivity, diversity, representation, development interface and edge effects, key threatening processes, environmental limits and the ability of the conservation area to retain biodiversity values in the long-term.

Long-term protection and management considerations

- (xi) Require long-term protection and management measures for regionally significant bushland identified for protection and management through this process, which include, but are not limited to—
- a statutory conservation covenant and associated management plan;
 - the preparation and implementation of an environmental and/or bushland management plan, or similar, to manage the bushland for conservation purposes, which should be linked and enforced through either the local government town planning scheme, a legal agreement and/or conservation covenant;
 - a management agreement to protect and control use and development within the bushland, to be secured through a legal agreement;
 - statutory planning controls, including conditions of approval, local government town planning scheme rezoning and scheme provisions, which are designed to protect and manage the bushland area;
 - setting aside regionally significant bushland as a conservation reserve (usually free of cost) for management by a public body; and/or

- land donation to an accredited nature conservation trust to enable a Federal income tax deduction at market value.

Offset considerations

- (xii) Where a proposal cannot avoid negatively impacting a Bush Forever area, the applicant needs to provide documentation showing how they minimised the impact. If any clearing of native vegetation within the Bush Forever area is to occur, then the applicant needs to provide proposed offset measures (both on-site and off-site), where appropriate and practical, with particular reference to the following site implementation categories—
- BFA—Bush Forever reserves; or
 - BFA—Government lands or public infrastructure.

The offset package should provide for a net environmental gain (see Appendix 4 for a breakdown of the offset requirements).

Other considerations

- (xiii) Take into account any significant issues arising from the statement of environmental effects, where required.
- (xiv) Have regard to other relevant policy measures within this policy, and other planning and environmental considerations (including fire protection and control requirements and the protection of Aboriginal heritage sites recognised by the *Aboriginal Heritage Act 1972*).

Appendix 3

BUSH FOREVER AREAS (RURAL LANDS)

BEST PRACTICE CRITERIA FOR RURAL LIVING SUBDIVISION AND RURAL DEVELOPMENT

This appendix applies to future rural-living subdivision for conservation and rural development under the rural lands site implementation category (specific policy measures 5.1.2.4 ii).

In order to facilitate private land management for conservation and secure long-term protection, this policy supports future rural-living subdivision for conservation and rural development (including a single residential building envelope), where appropriate, subject to other planning and environmental considerations.

When considering rural subdivision and development the decision-making body shall have particular regard to the following best practice criteria, which apply in addition to the impact assessment criteria in Appendix 2—

- 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.
- The proposal is supported by suitable site-specific long-term protection and management measures through statutory planning controls (notably local 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—

- no clearing, grazing or development to be permitted outside a designated development envelope, except where it is associated with essential services or infrastructure;
- subdivision and development to be in accordance with an approved subdivision or development guide plan, which shall include the location of development envelopes within cleared or degraded areas, where possible, and one dwelling per lot;
- once an initial subdivision has occurred in accordance with the criteria set out in Appendix 3 of this policy, there will be a presumption against further subdivision;
- rural development should be consistent with local government town planning scheme zoning requirements, but statutory planning controls should restrict land uses and development that are likely to be incompatible with the bushland protection objectives and requirements of this policy, with particular reference to any current permitted uses under a local government town planning scheme, for example, agriculture, market gardens, horticultural, grazing and the keeping of livestock may be considered to be discretionary uses in the scheme and should be contained within cleared and/or degraded areas and within designated development envelopes, with consideration given to any indirect adverse impacts;
- a statutory conservation covenant to be placed on the title of each lot;
- areas being set aside as a conservation reserve and vested with an appropriate management body under section 152 of the *Planning and Development Act 2005* where appropriate, with particular reference to areas containing conservation values identified in Appendix 2 (ix) b;
- future landowner/s to be notified of the existence of regionally significant bushland and related controls and provisions;

- (h) an environmental and/or bushland management plan, or similar, is prepared and implemented to manage the land for conservation purposes, which should be linked and enforced through either the local government town planning scheme, a legal agreement or conservation covenant;
- (i) the preparation and implementation of whole-of-site management plans for areas within multiple ownerships, where possible, as a framework for more detailed management plans for individual landowners;
- (j) a management agreement to protect and control use and development within the bushland, to be secured through a legal agreement; and
- (k) relevant bushland-sensitive design measures to be adopted (with particular reference to *Bush Forever Practice Note 10*, Government of Western Australia 2000b) and implemented consistent with the bushland values of the site, such as the location, size and design of building envelopes, fencing, firebreaks, access ways and servicing requirements.
- (iii) Lot sizes for rural living subdivision 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 (ie lots generally below 4 hectares), except where it forms part of a planning solution 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, and/or cluster-style rural subdivision and development; 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) in the event of any inconsistencies with current lot size requirements, the following shall generally prevail, subject to other planning and environmental considerations—
- where there is a current minimum lot size below 10 hectares, there is an expectation for larger lots consistent with the criteria set out in Appendix 3 of this policy; or
 - where there is a current minimum lot size above 10 hectares, this is supported, but if a lot is incapable of subdivision because of its current size, subdivision to create one additional lot may be supported, subject to the criteria set out in Appendix 3 of this policy.
- (iv) A complementary local government town planning scheme rezoning amendment is prepared and implemented, where appropriate, to facilitate the application and implementation of the measures identified in (i) to (iii) above and more detailed site-specific controls and provisions, provided they are consistent with this policy as a minimum requirement.
- (v) Should agreement not be reached, or where it is considered the most appropriate option, the WAPC may opt (subject to agreement of the landowner and 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; or shall be retained by the WAPC to form part of a BFA—Bush Forever reserve.
- (vi) Other relevant policy measures in this policy and other planning and environmental considerations, in particular, fire protection and control requirements and aboriginal heritage considerations.

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

Appendix 4

OFFSETS CRITERIA

SUMMARY OF OFFSET CRITERIA GRADED ACCORDING TO CONSERVATION SIGNIFICANCE

(adapted from Victoria's Native Vegetation Management—A Framework for Action and addresses mitigation as required in section 5.1.1 (ii) and Planning Bulletin 69 and EPA Position Statement No. 9)

Conservation Significance	Very High	High	Medium	Low
Response to proposal to clear and offset	Based on the environmental attributes of the site on a case-by-case basis, assessing attributes such as vegetation complex type, presence of TEC/DRF/priority flora/fauna, CCW and condition of vegetation.			
	Presumption against the clearing of any regionally	Clearing generally not	Clearing generally not permitted.	Clearing may be permitted but only

Conservation Significance	Very High	High	Medium	Low
	significant vegetation, except where the proposal is consistent with the intent of the reserve, or has existing environmental or planning commitments or approvals. All reasonable steps should be taken to avoid, and minimise any impacts on the bushland.	permitted.		as part of an appropriate sustainable use response as determined by the responsible planning authority.

If some clearing is to be permitted, the following offset requirements must be met

Net Outcome	Substantial net gain i.e. at least 2 x the calculated loss in habitat hectares ¹	Net gain i.e. at least 1.5 x the calculated loss in habitat hectares ¹	Equivalent gain i.e. at least 1 x the calculated loss in habitat hectares ^{1, 2}	Equivalent gain i.e. at least 1 x the calculated loss in habitat hectares ^{1, 2}
Formal agreement to achieve and secure offset	Requirements to achieve offsets must be identified in the associated management agreements and / or the permit conditions. Gains must be of an on-going and secure nature. Once achieved the offset must be maintained and the relevant planning authorities must maintain adequate and readily accessible records of agreed offset arrangements.			

¹ Gains can include active improvements of quality and/or avoiding potential losses of quality by agreement to forego permitted uses. Note that applying all of the following offset criteria (where relevant) may require more than the minimum habitat hectares specified by these multipliers.

² Where gains are achieved in vegetation/habitat of a higher significance than the vegetation lost, then the amount of the offset will be proportionally reduced (e.g. offsetting losses in medium conservation significance with very high conservation significance gains will reduce the amount of the offsets required by half, i.e. the medium multiplier divided by the very high multiplier).

Conservation Significance	Very High	High	Medium	Low
Like-for-Like				
Vegetation or habitat type of offset	The same vegetation / habitat type	The same vegetation / habitat type OR a Very High significance vegetation / habitat in the same Bioregion.		
Landscape role	Similar or more effective ecological function AND land protection function as impacted by the loss.	Similar or more effective ecological function AND land protection function as impacted by the loss.	Similar or more effective land protection function as impacted by the loss.	
Quality objectives for offset	The existing vegetation proposed as the basis of an offset must be at least 90% of the quality in the area being lost.	The existing vegetation proposed as the basis of an offset must be at least 70% of the quality in the area being lost.	The existing vegetation proposed as the basis of an offset must be at least 50% of the quality in the area being lost.	
	The proportion of revegetation included in the offset (in habitat hectares) is limited to			
	10%	25%	50%	100%
Large old tree objective for offset ⁴	For remnant patches of native vegetation that contain large mature trees ⁴ For each large mature tree removed as part of the permitted clearing ³			
	8 other large mature trees to be protected AND 40 new trees to be planted ⁵ .	4 other large mature trees to be protected AND 20 new trees to be planted ⁵ .	2 other large mature trees to be protected AND 10 new trees to be planted ⁵ .	No specific "other large mature tree" protection required.
	For each medium mature tree removed as part of permitted clearing ³			
	4 other large mature trees to be protected AND 20 new trees to be planted ⁵ .	2 other large mature trees to be protected AND 10 new trees to be planted ⁵ .	1 other large mature trees to be protected AND 5 new trees to be planted ⁵ .	5 new trees to be planted ⁵ .

Conservation Significance	Very High	High	Medium	Low
Vicinity	Gains must be in the same bioregion as the loss OR an adjacent bioregion if offsets are in Very High or High significance vegetation.			
Timing	Offsets to be initiated prior to the loss			

³ These offsets are only required as a consequence of native vegetation clearing which requires and receives a clearing permit, and not where tree removal is exempt from the requirement to have such a permit.

⁴ Mature trees, large or medium, are defined as individuals of key long-lived dominant tree species that are greater than certain diameters (for large or medium) at 1.3 metres above ground level

⁵ On a case-by-case basis at the discretion of the planning or environment authority, this requirement to plant new trees may be either through plantings to a prescribed standard (e.g. species composition, density, survivorship) and/or through regeneration associated with protection of other mature trees.

GLOSSARY

Adverse impact—is a harmful effect and will generally involve, but is not limited to—

- a direct impact on a Bush Forever area through the clearing of regionally significant bushland; or
- a significant indirect impact on a Bush Forever area through development directly abutting regionally significant bushland that is likely to result in, 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 development.

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 and 2000c).

Bush Forever areas refer to a classification of land in the Metropolitan Region Scheme (established through *Metropolitan Region Scheme Amendment 1082/33*) to protect and manage regionally significant bushland in accordance with this Policy.

Bush Forever reserves (existing or proposed) site implementation category includes lands reserved or proposed to be reserved for parks and recreation in the Metropolitan Region Scheme; areas of the conservation estate vested with the Conservation Commission of Western Australia; and/or Crown reserves and local government town planning scheme reserves vested for conservation, or similar. These lands are regarded to be lands with some level of protection (existing or proposed) and are currently within or intended for public ownership and management.

Bush Forever sites are specific localities identified and described in *Bush Forever* as endorsed by Cabinet (Government of Western Australia, 2000), which identify regionally significant bushland recommended for protection.

Decision-making bodies are public authorities empowered to make a planning decision in respect of a proposal, including, for the purpose of this policy, the WAPC or local government. Non-planning agencies have decision-making responsibilities under other legislation and, as such, they may have regard to but cannot be fettered by this policy.

Government lands or public infrastructure site implementation category includes State, Commonwealth or local government lands in freehold ownership, or vested Crown reserves; and public infrastructure on lands zoned and reserved in the Metropolitan Region Scheme. This generally includes lands in the government lands, major road and railway reserves, cemeteries and local town planning scheme reserve implementation categories in *Bush Forever*.

Improved environmental outcome is where a proposal or decision-making, 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) protected and/or managed for conservation purposes;
- a large or significant area (on-site or off-site) of unprotected regionally significant bushland in a Bush Forever area (this will generally involve regionally significant bushland outside the BFA—Bush Forever reserves site implementation category) is protected and/or managed (which includes, but is not limited to rehabilitation, revegetation or regeneration) for conservation purposes, while allowing some development in accordance with existing approvals and commitments or an outcome consistent with the impact assessment criteria in this policy (Appendix 2); or
- improved management of the regionally significant bushland for conservation purposes, which includes, but is not limited to rehabilitation, revegetation or regeneration.

Local bushland strategies are prepared by or for local government to identify locally significant bushland sites for protection and management. Local bushland strategies focus on bushland areas and are not intended to cover parkland cleared areas, isolated trees in cleared settings or local natural areas. However, they may form part of a local biodiversity strategy, or similar, which recognise the importance of local natural areas of native vegetation that do not fall within the definition of bushland, or naturally non-vegetated environments

Management plans may be either of the following—

Bushland management plans

These contain specific and detailed guidelines for the management of natural areas. They cover matters such as the nurturing or reintroduction of native species and procedures for the mitigation of adverse influences such as weeds, fire and feral animals (Government of Western Australia, 2000a).

Environmental management plans

These contain specific or detailed guidelines on the management of any likely adverse impacts of development on natural areas, and how these impacts are to be avoided, minimised, managed and monitored prior to and during the construction phase of the proposed development and post development. They may include, through an action plan, environmental management measures or commitments to address any likely adverse impacts to ensure the conservation values of the bushland are maintained.

Mitigate is used in this policy to refer to reasonable steps to avoid, minimise or offset any likely adverse impacts.

The Environment Protection Authority refers to a sequence of considerations designed to help manage environmental impacts, which includes (in order of preference) avoidance, minimisation, rectification, reduction and offsets (*EPA Position Statement No. 9 Environmental Offset, January 2006 and EPA Guidance Statement No. 19 Environmental Offsets, September 2008*).

Natural Areas are naturally vegetated or non-vegetated areas such as water bodies (generally rivers, lakes and estuaries), bare ground (generally sand or mud) and rock outcrops (Environment Protection Authority 2003a), but excludes parkland cleared areas, isolated trees in cleared settings, ovals and turfed areas (as adapted from the Western Australian Local Government Association, 2004).

Offsets: commonly referred to as “environmentally beneficial activities” undertaken to counterbalance an environmental impact and achieve a “net environmental benefit” outcome. In Position Statement No. 9 (EPA, 2006) these are discussed in terms of—

- Direct Offsets, which are environmentally beneficial activities undertaken to counterbalance an adverse environmental impact or harm, with the goal of achieving a “net environmental benefit”. Examples of direct offsets may include ecosystem restoration (offsite), rehabilitation (offsite), land acquisition for conservation and re-establishment. See definition of “off-site”.
- Contributing Offsets, which are environmentally beneficial activities undertaken to complement and enhance direct offset activities. Contributing offset activities may not immediately assist in a “net environmental benefit” outcome, but instead materially add to environmental knowledge, research, management and protection, and ultimately lead to improved environmental outcomes.

Offsets package: the set of offset activities undertaken to counterbalance an adverse environmental impact. It should consider direct and contributing offsets, as appropriate.

Proposals or decision-making are strategies, policies, town planning scheme zonings or amendments, structure plans, master plans, subdivision, development applications, and any other proposal or issue requiring a decision, request, action or application under planning legislation or as part of the planning process. Other non-planning decision-making bodies under other legislation may also have regard to this policy.

Protected bushland refers to bushland that is under a management regime that provides for its continuing protection (Government of Western Australia 2000a).

Reasonable outcome—the definition will vary depending upon the circumstances of each case and through the implementation of this policy, but with particular regard to the impact assessment criteria in this policy (Appendix 2) and the specific policy measures for each Bush Forever area site implementation category, as applicable.

Regional creeklines site implementation category includes mapped vegetation along regional creeklines in private or public ownership and generally includes lands in the regional creekline implementation category in *Bush Forever*.

Regionally Significant Bushland is all bushland (which may include wetland areas) within a Bush Forever area, and other bushland outside a Bush Forever area that meets the *Bush Forever* criteria for regional significance (Government of Western Australia 2000a and 2000c).

Bush Forever areas are based on Bush Forever sites and were initially selected using the criteria set out in *Bush Forever*. The regionally significant bushland within a Bush Forever area as mapped on map 1 in this policy, is based on Agriculture WA native vegetation mapping (2001) and is for indicative purposes only and may be subject to on-site verification.

Regionally significant bushland outside Bush Forever areas may be protected through other government policies and legislation.

Rural lands site implementation category primarily includes private rural zoned land in the Metropolitan Region Scheme and generally includes lands in the rural complementary implementation category in *Bush Forever*.

Urban, industrial or resource development site implementation category includes private or public lands zoned for urban, urban deferred or industrial purposes in the Metropolitan Region Scheme or committed for future development through planning and environmental processes, or lands committed or approved for resource extraction (including any policy areas within SPP 2.4). This

generally includes lands in the urban, urban deferred, industrial, basic raw materials and titanium minerals, and strategic negotiated planning solution implementation categories in *Bush Forever*.

Swan Coastal Plain—is a bioregion as defined by Thackway and Cresswell (1995) as part of the Interim Biogeographic Regionalisation of Australia.

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Map 1 BUSH FOREVER AREAS

