

This fact sheet outlines the referral process, and roles and responsibilities of agencies for planning proposals relating to Bush Forever areas to ensure that bushland protection and management issues are appropriately considered and addressed, in accordance with [State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region](#) (SPP 2.8) and the requirements of the Metropolitan Region Scheme.

## What is Bush Forever?

*Bush Forever* is a whole-of-government policy for the conservation of regionally significant bushland on the Swan Coastal Plain portion of the Perth metropolitan region. SPP 2.8 is the policy framework for the implementation of *Bush Forever*.

The policy identified 51,200 hectares of regionally significant bushland, covering 26 vegetation complexes for protection on both private and public lands. Regionally significant bushland was identified using criteria relating to its conservation value.

[\(Bush Forever vol 1\)](#)

SPP 2.8 defines *Bush Forever* areas as a 'classification of land in the Metropolitan Region Scheme to protect and manage regionally significant bushland in accordance with the policy'. SPP 2.8 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 to secure long-term and improved environmental outcomes.

*Bush Forever* is given statutory effect through the Metropolitan Region Scheme (MRS). *Bush Forever* areas are shown as an overlay on the MRS, not a reservation or zoning of land. A MRS amendment is required to make any boundary changes to *Bush Forever* areas. The purpose of the overlay is to alert landowners, the broader community, stakeholders and decision-making authorities that a land parcel is a *Bush Forever* area, and this must be taken into consideration if there is a proposal to clear regionally significant bushland, or other degrading activities, to facilitate development or land management.

SPP 2.8 supports the general presumption against clearing regionally significant bushland within *Bush Forever* areas.

SPP 2.8 identifies five *Bush Forever* area (BFA) site implementation categories which generally align with the underlying zoning or reservation of the land. Planning proposals (development, subdivision, structure plans or scheme amendments) should address the general policy measures and the specific BFA site implementation category policy measures in SPP 2.8, for the *Bush Forever* area that may be impacted. Further information on the site implementation categories can be found in SPP 2.8.

## What about local bushland?

SPP 2.8 also applies to all areas of bushland outside of *Bush Forever* areas within the Perth Metropolitan Region. See section 5.2 of SPP 2.8 for more detail.

## Is an approval required to clear Bush Forever?

Yes. Clearing native vegetation within a *Bush Forever* area can only be undertaken if an approval has been granted under the *Environmental Protection Act 1986* (EP Act) or if the planning approval granted under the *Planning and Development Act 2005*, is subject to an exemption under the EP Act.

## Clearing permit under the Environmental Protection Act 1986

Section 51C of the EP Act makes it an offence to clear native vegetation unless it is undertaken in accordance with a clearing permit, or an exemption applies. An exemption is a type of clearing activity that does not require a clearing permit. An example is a Schedule 6 exemption when clearing is undertaken in accordance with a subdivision approved by the WAPC under the *Planning and Development Act 2005*. These laws apply to private and public lands throughout Western Australia. [\(DWER clearing website\)](#)

Department of Water and Environmental Regulation (DWER) should be contacted regarding the application of the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (EP Regulations).

## Roles and responsibilities of agencies

Decision-makers should be aware that the granting of a development or subdivision approval, or endorsing a management plan in a *Bush Forever* area, can exempt the applicant from requiring a clearing permit under the EP Act. Therefore, clearing regionally significant bushland needs to be considered during the planning process (avoid or minimise clearing, where possible) and offsets may be required in accordance with SPP 2.8, where clearing is undertaken.

## Department of Planning, Lands and Heritage

*Bush Forever* is implemented through the standard planning decision-making process within the Department of Planning, Lands and Heritage (DPLH), on behalf of the Western Australian Planning Commission (WAPC). *Bush Forever* is considered as part of the decision-making process along with all other matters affecting land use planning.

### ***Development under the MRS:***

In most circumstances, development approvals are bound by the *Planning and Development Act 2005* and the MRS, regardless of the *Bush Forever* overlay.

With respect to development on reserved land owned by or vested in a public authority, development may be commenced or carried out without written approval of the WAPC if the development is permitted development that does not involve the clearing of regionally significant bushland in a *Bush Forever* area. If clearing is proposed, referral to the WAPC is required.

### ***Negotiated planning solutions:***

DPLH, on behalf of the WAPC, is the lead agency for determining negotiated planning solutions (NPS) in *Bush Forever* areas. Sites identified as NPS sites in the *Bush Forever* policy are the only sites that will be considered for negotiated planning solutions. The Department of Biodiversity, Conservation and Attractions (DBCA) and the DWER may also be involved in negotiations, if required.

### ***Negotiated planning outcomes:***

DPLH, on behalf of the WAPC, is the lead agency for a Negotiated Planning Outcome (NPO). NPO sites were not identified in the *Bush Forever* policy in 2000. A NPO will only be considered for priority government initiated projects or important regional development projects. DBCA and DWER will be involved in any NPO for an improved environmental outcome for *Bush Forever*.

## Local government

Under the current WAPC Notice of Delegation, some MRS development control powers are delegated to local government, to make determinations on behalf of the WAPC.

For *Bush Forever* areas within zoned land under the MRS, the relevant local government is the decision-making authority. Local governments should refer any development proposal partly or wholly within a *Bush Forever* area or where development is adjacent to a *Bush Forever* area where clearing of native vegetation or direct drainage into a *Bush Forever* area is proposed, to DPLH for advice and/or recommendation prior to the local government determining the development application.

The local government may refer a structure plan or other strategic planning matters to DPLH for advice on *Bush Forever* as part of the consultation stage if the local government considers the impacts to *Bush Forever* to be significant.

## Department of Biodiversity, Conservation and Attractions

If considered necessary, DPLH will consult with the Department of Biodiversity, Conservation and Attractions (DBCA). The DBCA administers the *Biodiversity Conservation Act 2016*, the *Conservation and Land Management Act 1984*, and the *Swan and Canning Rivers Management Act 2006*. Their focus is on

biodiversity conservation, managing the conservation estate, and protecting the Swan and Canning River systems, including the development control area and Riverpark.

Where required, DBCA should provide advice to the WAPC or local government regarding the biodiversity values of and potential impacts to regionally significant bushland within Bush Forever as a result of planning applications.

## Department of Water and Environmental Regulation

The DWER administers the functions of the EP Act including the clearing provisions.

When making a decision on clearing in respect to *Bush Forever*, DWER should only refer a clearing permit application to the DPLH for advice if the application is likely to have an adverse and direct impact on a *Bush Forever* area.

When required, DWER should provide advice to the responsible authority or DBCA, if a planning proposal is exempt from requiring a clearing permit.

## Environmental Protection Authority

The Environmental Protection Authority (EPA) is an independent Board that provides advice to the Minister for Environment. DWER supports the EPA in conducting environmental impact assessments,

developing policies to protect the environment and monitoring compliance with conditions of Ministerial Statements.

If a proposal is likely to have a significant environmental impact on regionally significant vegetation and values within *Bush Forever* areas, it should be referred to the EPA under Part IV of the EP Act. All scheme amendments are required to be referred to the EPA for review under the *Planning and Development Act 2005* and the EP Act.

DWER should be contacted for further information on the administration of Part IV of the EP Act.