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mrs@planning.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

**Metropolitan Region Scheme Amendment 1236/57
Bush Forever Definition Clause Insertion and Removal of Clause 16(1a)(a) for New Similar
Clause Insertion 16 (1a)(a) and (ba) in the Metropolitan Region Scheme Text**

Submission by **Urban Bushland Council WA Inc.**

PO Box 326, West Perth WA 6872

Contact phone: (08) 9420 7207 (leave a message)

Email: ubc@bushlandperth.org.au

Representatives of The Urban Bushland Council request the opportunity of making a presentation in person to the Review Committee on this amendment.

The Urban Bushland Council is the peak community organisation for urban bushland conservation in WA. The Council is an association of some 70 community groups, mostly Friends groups, who are working to protect and conserve our precious and unique urban bushland. This includes all natural areas within the Perth and Peel regions.

Introduction and Background

The Urban Bushland Council is concerned that the text amendment is inconsistent with the stated objectives of Bush Forever policy (December 2000) as published by the WAPC in December 2000. Specifically the first Policy Objective on p. xiii of Bush Forever Volume I: Policies, Principles and processes is:

'To meet the needs and aspirations of the community of Western Australia for the appropriate protection and management of bushland of regional significance in the Swan Coastal Plain portion of the Perth Metropolitan Region.'

The amendment fails to provide the stated **'protection and management'** for Bush Forever Areas. On the contrary, the amendment actually grants permission to clear Bush Forever Areas held by public authorities. This is contrary to the concept of providing **'protection'**.

The amendment is also inconsistent with the spirit and intent of the preceding Urban Bushland Strategy 1995, the 1996 National Strategy for the Conservation of Australia's Biodiversity, the State Planning Strategy 1997, Directions 2031 and beyond (2011), and State Planning Policy 2, all of which are described in the Amendment Report.

The final comment of the Discussion on page 3 of the Amendment Report states:
' *This MRS text amendment is to tie in with that MRS amendment to ensure Bush Forever Areas are **protected through statutory planning controls.***' However there are no corresponding provisions in the text amendment to ensure such statutory protection, and furthermore it allows for clearing to occur in Bush Forever sites. Thus the Amendment Report is diametrically opposed to the wording of the amendment.

We believe these are major flaws in the amendment and require revision.

Specific comment on clauses

1. Clause 3(1) Definition of Bush Forever Area

The Amendment Report and indeed the very title of the Amendment, states as its primary purpose the definition of Bush Forever Areas. Clause 3(1) neither defines Bush Forever Areas nor does it describe the purpose of having Bush Forever Areas. Given that these areas have been selected under the CAR system and based upon extensive scientific research, this amendment disregards the status of Bush Forever. It ignores the fact that the Perth region is an internationally recognised biodiversity hot-spot *for conservation priority.*

Therefore we submit that Clause 3(1) should be amended to include the definition and purpose of a Bush Forever Area. This could be:

'Bush Forever Areas are areas of regionally significant bushland and wetlands that collectively provide for a representative system of protected areas for the Perth Metropolitan Region.'

We are concerned that a definition has been omitted. Not only will this invite confusion, it suggests uses other than conservation purposes will be permitted without the proper controls and public scrutiny.

2. Clause 16(1a)(a)

This clause will effectively allow public authorities to clear regionally significant bushland outside Bush Forever Areas (BFA) for 'permitted developments'.

While such proposals may be subject to referral to the EPA and environmental assessment under the Environmental Protection Act, in most cases the EPA decides to 'not assess' such proposals. Under the clearing regulations such proposals are most often exempt from requiring a clearing permit under Schedule VI. Therefore bushland which is inherently biodiverse and regionally significant is afforded no protection and is not even assessed.

In effect this clause sets out a legal mechanism to bypass proper environmental consideration. The danger is it will provide carte blanche approvals, and facilitates clearing and developments in regionally significant and locally significant bushland. In other words it encourages the 'clearing down' of Perth's unique and species rich bushland to leave only Bush Forever Areas.

This is contrary to and indeed flies in the face of the whole Bush Forever policy package which sets out a network of Bush Forever Areas tied in with local bushland areas which interconnect with ecological linkages. These all need to be retained and protected as a network.

Given that this clause applies to areas outside Bush Forever Areas, it seeks to bypass proper environmental assessment and clearing controls under the Environmental Protection Act. As it allows regionally and locally significant bushland to be cleared under state planning law for public purposes without any public or agency scrutiny this clause should be deleted.

A new clause 16(1a)(a) should be inserted stating; 'clearing of bushland or remnant native trees in Bush Forever areas is not permitted.'

3. Clause 16(1a)(ba)

This clause allows government authorities to clear and develop in their Bush Forever sites if approved by the WAPC. This is totally unacceptable. Government authorities should be required to modify their operational plans by opting out of their Bush Forever Areas and handing over their sites to an appropriate land manager such as the local government authority.

It is recommended that this clause be deleted and replaced with a clause which prohibits clearing of bushland and remnant native vegetation in all Bush Forever Areas .

4. Clause 16(1a)(b).

This clause should be deleted. The wording of this clause is unchanged from the former amendment.

However it allows development on reserved land vested in or owned by a public authority if it is expressly authorized under an Act to be carried out without WAPC approval. Under this clause in theory there could be a new Act brought in which allows a freeway or major road or water treatment plant to be built through or in the middle of a Bush Forever site. Any new Act targeting a specific development would over-ride the MRS text.

5. Part IVA-Bush Forever Areas, 28A. Bush Forever Areas

Sub clause (1) states *'The purpose of this clause is to identify regionally significant bushland as Bush Forever Areas.'* This implies that all regionally significant bushland is identified as Bush Forever Areas ('BFA'). This is not correct and is indeed misleading as there are thousands of hectares of regionally significant bushland outside BFA. However if all regionally significant bushland *were* declared Bush Forever Areas we would be very pleased and support such an initiative.

This clause should be reworded to read;

'The purpose of this clause is to identify Bush Forever Areas as regionally significant bushland.'

Or even better with the addition *'...to be protected and managed for the benefit of the community and for the purpose of nature conservation.'*

Part IVA-Bush Forever Areas, 28A. Bush Forever Areas (2) - Supported.

Part IVA-Bush Forever Areas, 28A. Bush Forever Areas (3). Supported except for the last phrase. The last phrase *'and does not operate to zone or reserve that area'* should be deleted.

Further recommendations

a) Special Control Areas should be declared under the MRS and text Amendment for all Bush Forever sites not yet secured for the purpose of conservation. This mechanism to provide interim

protection was an Action specified in the Bush Forever plan (Dec 2000) but was later dropped. This mechanism exists in planning law and should be used to provide immediate protection in the planning process.

b) P&R reservation: All Bush Forever Areas should be made Parks and Recreation reservation. While most BFA are already rezoned to P&R, the remainder should also be rezoned (entirely and without any further incursions). Clearing and development in all bushland in BFA should be expressly 'not permitted'.

Clearing of parts of BFA for development of recreation buildings and facilities remains a problem under current zoning and this amendment needs to prevent this.

c) A new reserve purpose for 'protection of Bush Forever Areas' could be introduced under the MRS for all Bush Forever Areas. This would remove the land use conflicts which arise under the current P&R reservation where sports fields and recreational facilities can be built in Bush Forever sites which are supposed to be protected when zoned P&R.

d) Statutory protection

Most importantly, the Amendment needs to include a new clause which provides overall statutory protection and management of all Bush Forever Areas for the conservation of nature in Perth's unique natural landscape, and for the enjoyment, health and benefit of the people of Perth.

SUMMARY

In summary, MRS Amendment 1236/57 is not acceptable in its current form and needs to be changed so that all Bush Forever Areas are legally protected and managed and clearing in Bush Forever Areas is prohibited.