

**METROPOLITAN REGION SCHEME AMENDMENT NO. 1152/41,
JINDALEE (JINDEE) FORESHORE RATIONALISATION — DISALLOWANCE**

Motion

HON GIZ WATSON (North Metropolitan) [10.06 am]: I move —

That the Metropolitan Region Scheme Amendment No. 1152/41, Jindalee (Jindee) Foreshore Rationalisation, published in the *Government Gazette* on 20 May 2009 and tabled in the Legislative Council on 21 May 2009 under the Planning and Development Act 2005, be and is hereby disallowed.

I want to bring to the attention of members the concerns that are raised by this metropolitan region scheme amendment in relation to Bush Forever sites. The effect of this amendment is to cut out 8.1 hectares from Bush Forever site 397 at Wanneroo, and to zone that site urban instead of parks and recreation. In exchange, two hectares of land that have been set aside for car parking will be ceded to the Crown, and two islands of land originally zoned urban will now be zoned parks and recreation. The purpose of the amendment is to enable development of what has been termed a “beachside village”. It has been proposed that the two sections of land referred to will be ecologically linked by the planting of indigenous vegetation on the private lots in between those two sections of land. The reason for this disallowance motion is that this site is recognised as regionally significant bushland. However, there has been no independent full formal environmental impact assessment for this amendment.

I want to start by giving members the latest update from the Urban Bushland Council of Western Australia. As members may be aware, the Urban Bushland Council is a community group that represents a very large number of urban bushland groups in the metropolitan area. Those groups take a strong interest in the protection of native vegetation and in many cases are very active and do the hard yakka in managing and upgrading remnant areas of bushland in their own areas. I want to refer members in particular to the spring 2009 edition of *The Urban Bush Telegraph*, which is the newsletter of the Urban Bushland Council of Western Australia. At page 2 of the editorial, it makes the following comment —

In presenting the 2009 George Seddon lecture, Professor Steve Hopper —

Members may be aware that Professor Hopper is a renowned biologist who is currently working at—I cannot think of the name of it at the moment.

Hon Lynn MacLaren: Kings Park.

Hon GIZ WATSON: He was at Kings Park.

Hon Ken Travers: Chelsea.

Hon GIZ WATSON: No, not Chelsea, but he is in London. It is the main botanical —

Hon Sally Talbot: Kew Gardens.

Hon GIZ WATSON: Kew Gardens in London; I thank the member. I know it well.

Hon Ljiljanna Ravlich: You should have told us what it started with!

Hon GIZ WATSON: If I knew what it started with, I would have been able to remember it, because it has only three letters!

Hon Ken Travers: It was not a bad workshop exercise.

Hon GIZ WATSON: I thank members for workshoping that. I am glad that members are paying attention and I thank them for their assistance. Professor Hopper is currently at Kew Gardens. The editorial continues —

... emphasised that greater Perth is one of the world’s most flora species rich cities, along with Cape Town and Rio de Janeiro. Further he said the Perth region is as species rich or richer than the Leseuer area and the Fitzgerald River National Park.

Members may or may not know that. I was quite surprised by that, because those areas are biodiversity hot spots and the species diversity there is outstanding on a global scale. We have in Perth a very unique asset in that we have a level of biodiversity that is not present in virtually any other city. The editorial goes on to say —

Bushland friends all know this, but why has the value of this extraordinary heritage not reached the priority it deserves amongst planners and politicians?

It is now 10 years on since Bushplan was released by a Liberal Government —

We congratulate the then Liberal government for taking this initiative —

which soon endorsed it as Bush Forever not long before Labor was elected. Then with a pre-election to implement Bush Forever, Labor's commitment over eight years was remarkably lacklustre with the Major MRS Amendment languishing for four years during a development boom, and the general public blissfully unaware of Bush Forever.

It is interesting that Hon Alison Xamon asked some questions recently in this place about the progress of that metropolitan region scheme amendment. I draw members' attention to that matter as well. The member asked —

What is the current status of the draft statement of planning policy 2.8 for bushland in the Perth metropolitan area?

The answer states —

The "Draft Statement of Planning Policy No 2.8: Bushland Policy for the Perth Metropolitan Region" is currently with the Minister for Planning for consideration of endorsement.

Hon Alison Xamon went on to ask —

What resources within the Western Australian Planning Commission are dedicated to finalising this important policy?

The answer, in standard bureaucratic speak, was that staff resources have been provided for the completion of the documents. Apparently, this has been going on for years. The member then asked —

What impediments to finalising this important policy have delayed the release of the final policy?

The answer given states —

The draft SPP 2.8 is complementary to metropolitan region scheme amendment 1082/33—Bush Forever and related lands. The complexity of the issue, including matters of law, legislation and regulation; the steps needed to progress the single largest MRS amendment ever to be undertaken; changes to the Environmental Protection Act in 2004 to include the clearing regulations; and the application of the requirements of draft SPP 2.8 within the planning framework have required extensive consultation.

We can read from that that there has been extensive prevarication by the Department of Planning, the developers and everybody else who is seeking to throw roadblocks in the way of this initiative. Both governments signed up to this commitment—the Court government when it originally announced Bush Forever and the Labor government when it had the chance to do something about it. The answer to Hon Alison Xamon's question continues —

Bush Forever was initiated by the previous coalition government but was not finalised by the Labor government during its period in office. The Minister for Planning is progressing the matter in a considered and timely way.

That is very *Yes Minister*. The thousands of people who are interested in the conservation of native bushland within the metropolitan area are singularly unimpressed by that kind of answer. It is not rocket science. It is now nearly 10 years since this process was put in place.

I go back to the editorial in *The Urban Bush Telegraph*, which goes on to state —

The new Liberal Government before Christmas assured us that the Amendment 'was ready to go' but nothing positive has happened in the ensuing eight months.

Indeed encroachment into Bush Forever sites has continued. Colin Barnett precipitously announced that the Roe 8 Highway extension would go ahead despite his promise of 'good governance'. Doesn't he realise that Main Roads WA is subject to the laws of the land — both the Environmental Protection Act and the Commonwealth EPBC Act?

Paganoni —

Which is a wetland area in the south metropolitan region —

is also under threat with a proposal for 'transit oriented development' on 48 ha of Tuart Woodland adjacent to a relocated railway station. Both proposals fly in the face of good governance as both sites are currently being managed for conservation and local conservation groups are understandably outraged. Sites under threat are listed in this newsletter.

I encourage members to subscribe to this newsletter if they are at all concerned about or interested in maintaining biodiversity in the Perth metropolitan area. It continues —

The Auditor General's recent report on conservation of rare and threatened species slammed the Government for failing to look after our wildlife. The report refers to the wholly inadequate funding of DEC and the fact that the Wildlife Conservation Act is 50 years out of date.

We need a biodiversity act. Again, the previous government failed to act on that. I asked it questions every six months about the progress of that piece of legislation, which was long promised and well supported, and the answer was always, "We're still working on it." Quite frankly, that piece of legislation, which would have had a significant impact on the conservation of bushland in the urban area, has sunk without a trace. I have no expectation that that legislation will be brought to this Parliament for years to come, if ever, and that is a real shame, because an enormous amount of work was put into that initiative. The newsletter continues —

Successive governments have failed to introduce a modern Biodiversity Conservation Act despite numerous promises. There is no statutory process for recovery of rare and threatened species and ecological communities, the latter are not even protected. We have the most complex and diverse ecosystems yet they suffer the most outdated and weakest protection and support.

The newsletter goes on to urge members to contact their local members of Parliament to advocate on their behalf for their local bushland. I wanted to highlight this specific piece of bush which has been identified under the Bush Forever process and which is now about to be excised as a result of a particular development proposal. Members who take an interest in urban bushland and biodiversity conservation know that it is the death of a thousand cuts that continues unabated, despite the fact that 10 years ago, with an exceedingly successful and quite unique process of community consultation and very thorough scientific investigation, all the remnant bushland in the Perth metropolitan area was assessed to determine whether it met the higher threshold criterion of being bushland of regional significance, not just local significance. Those areas were mapped and identified as Bush Forever sites. Since that exercise 10 years ago, very little has been done to ensure that these sites are not treated like any other bit of bush in the metropolitan area and are cleared for housing and other developments, roads et cetera.

While I am on the topic, it is worth noting that the area that I live adjacent to is the Underwood Avenue bushland site. In the context of what various governments have done and committed to with Bush Forever sites, I note with interest that the now Premier wrote a very clear and impassioned letter arguing for the preservation of that site in its entirety. I will be very interested to see whether the Premier has the same view now that he is in government. I sincerely hope that he does, because he made a very good and clear argument to the then government about why the area of bushland that links Kings Park with Bold Park should be preserved for its native vegetation and biodiversity values.

I will now continue talking about the specific site that we are debating this morning. I was approached by the Urban Bushland Council, particularly by some scientists who have expertise about and are familiar with this site, being Cate Tauss, who is a consultant botanist, and Dr Vic Semeniuk, who is a wetland researcher of some repute. I was also approached by the Quinns Rock Environmental Group. That group and those individuals are very familiar with this site, and they asked me to move a disallowance motion in Parliament in objection to the excision of the area from the Bush Forever site.

The first Bush Forever policy 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.

I reiterate that the Bush Forever sites do not cover all bush sites in the metropolitan area. Indeed, I know that there are quite a few bush areas that local people have argued should be preserved as well. Those areas do not meet the scientific criteria to be designated as regionally significant, even though they may be significant to people in the local area and they may be the only remaining bits of bushland in that area, but this debate is about the very special sites that have already been assessed and met the criteria.

Bush Forever identifies regionally significant bushland to be retained and protected forever. It is one of the most significant conservation initiatives ever undertaken in Western Australia. Following guidelines set by the World Conservation Union, Bush Forever aims to protect at least 10 per cent of the 26 original vegetation complexes within the Swan coastal plain portion of metropolitan Perth, and to conserve threatened ecological communities also.

Bush Forever sites were selected according to defined criteria, including the size, shape and condition of the bushland. Large, compact areas were preferred to isolated small areas. The bushland must have a 10 per cent representation of a particular vegetation type and contain rare or threatened species or threatened communities. This particular site, therefore, has long been identified by the government as regionally significant bushland.

My first point is that there has been no formal assessment of this site. The Environmental Protection Authority has not done a formal environmental impact assessment of the effect of this amendment. It made a “scheme not assessed” determination in 2008, and it declined a referral from the Urban Bushland Council for a full impact assessment to the public environmental review level, and it declined an invitation to meet with scientists Cate Tauss and Dr Vic Semeniuk, who expressed concerns about the impact of the amendment. Letters from the Environmental Protection Authority and the Urban Bushland Council indicate the EPA’s reasons for this.

The Environmental Protection Authority had liaised with the owner for a number of years to ensure that the scheme met the EPA’s regional and environmental objectives. The EPA did not consider that the site’s unusual soil characteristics would affect regional conservation values, as it was too small an area to lead to a new floristic community. The Western Australian Planning Commission had not received a proposal that is “likely to be implemented” so as to attract a referral to the EPA for a decision about whether the environmental impacts are significant enough to warrant assessment.

The Urban Bushland Council also contacted the Department of Environment and Conservation and the Department of the Environment, Water, Heritage and the Arts—the federal department—and is still awaiting a response to its inquiry.

An assessment was conducted via the WA Planning Commission submission process, and the public submission process took place from 26 August to 28 November 2008. Twenty submissions were received—three for and eight against, including one from the Urban Bushland Council, and nine were received from mostly state government agencies, which were neutral. Three parties—that is, one for and two against, including the UBC—took up the opportunity of giving evidence at a hearing, and the hearings were held in December 2008. All submissions were dismissed and the WAPC found that the amendment should be approved and finalised.

The substance of the submissions objecting to the amendment were as follows —

Swan River and Swan Coastal Plains Native Title Holders and Traditional Owners objected to the amendment on the ground that the appropriate consultation with Nyoongah Elders had not yet occurred regarding preservation of places of serious concern to them. DIA advised there were 3 registered sites of Aboriginal heritage significance near Eglinton Hill and the coastal foreshore area, and another that can’t be identified. The WAPC dismissed this submission on the ground that this is an issue more appropriately dealt with at subsequent planning stages, and advised the City of Wanneroo that the WAPC expects the structure plan when prepared to address the identification, protection and future management of those sites and liaison with Nyoongah Elders in relation to it.

I can only suggest that that is totally laughable, to be quite frank. Anybody who has been around and been involved with urban bushland issues and development issues knows that. I draw a parallel with the extension of the Hanson Quarry up in the hills, where an exceedingly significant Aboriginal site, as recognised by experts in the area, is about to be demolished. That will go ahead, as every other development goes ahead, and there will be lip service paid to any Aboriginal heritage. To suggest that it will somehow be dealt with in some later process, quite frankly, is laughable. To continue —

The UBC, WA Naturalists’ Club, Quinns Rock Environmental Group and 3 members of the public objected to the amendment for environmental reasons ...

These reasons included —

... the ground of insufficient coastal setback. The concerns were that the development is too close to the coast and will experience damage from climate change related events like flooding due to rise in sea levels and damage due to storms;

I am sure that members have noticed articles in newspapers in recent days that indicate that the commonwealth is suggesting that the anticipated sea level rises from climate change have been severely underestimated, and that we need to revise our planning, particularly when approval has been given for new developments, to take into consideration a much more significant potential sea level rise. It will be very interesting to see this played out. I am sure that over the next few decades individuals and developers will potentially be suing governments for having given a planning proposal, or, in this case, a development proposal, the go-ahead, despite the fact that the predictions for coastal impact are significantly higher than had first been thought.

The groups also went on to state that —

... the 200m wide Bush Forever corridor is the minimum width to protect residents from erosion, wind, storm surge, sea level rise etc; losing vegetation from the coastal buffer will contribute to climate change; and losing vegetation will mean loss of habitat. The WAPC response was: that investigations by Coffey Geosciences showed that the limestone was variable but included good, competent limestone

that would be able to resist the forces of the ocean even with the predicted sea level rise from climate change for more than the coming century; the long term security to the beachside development will be provided by a buffer of 50 meters of competent rock that is between 3 and 16 metres above the mean sea level; even if a rise in the mean sea level of 1.2 m did occur, the proposed development at Jindee would still be safe from erosion and coastal flooding.

That is possible and I could buy that argument, but people would then be living on a development that had a coastal limestone cliff rather than any kind of beach. I question the logic in that argument and how well that has been assessed. That is interesting, because it is the location of the limestone that makes this Bush Forever site unusual. The Urban Bushland Council, the WA Naturalists' Club, the Quinns Rocks Environmental Group and two members of the public objected on the ground of inaccessibility of supporting information for the amendment. The Western Australian Planning Commission found that the technical information belonged to the landowner and could be released only with his consent. The owner released it when requested. There was also a commercial agreement between the landowner, the local council and the WAPC, which did not fetter the statutory controls of regulatory authorities. There was a problem, at least initially, with obtaining sufficient information from the landowner. There were no objections from WestNet Energy, the Swan River Trust and a number of other government authorities. The Conservation Council provided a submission that unfortunately was received after the time for submissions had closed. Its objections were similar to those of the Urban Bushland Council. The WAPC report dismissed the environmental issues raised in the submissions; however, Dr Bruce Hamilton, the independent environmental expert who attended as a member of the WAPC at the urban bushland hearings said, according to my notes —

“I would have to say I agree with everything that has been put forward. I mean, it's an excellent submission. Have you done the second referral to the EPA? ... I would have thought it would be good to go back to the EPA as well.”

The independent environmental expert at that hearing encouraged the UBC to take the matter to the Environmental Protection Authority. His concerns particularly relate to the unique soil and vegetation of this site. The Urban Bushland Council considers the soil on the lost part of the Bush Forever site to be unusual, possibly unique, over the whole Swan coastal plain, being thick and richly humic soil on a limestone base. The WAPC found that this contradicted a 2007 consultant's report, which described bare limestone and shallow brown soils over limestone, and that the Urban Bushland Council had provided no scientific evidence to collaborate its views. The UBC considers that the unique soil has resulted in unique vegetation that would possibly satisfy the criteria for classification as a threatened ecological community. No thorough vegetation survey has occurred to assess this. The core of my disallowance motion is that if the assessment has not taken place, how do we know what we are allowing to go ahead with this metropolitan region scheme amendment?

The two vegetation surveys that occurred were inadequate. One was limited to establishing the existence or otherwise of a particular floristic community type. The WAPC found that the vegetation survey was undertaken in accordance with a methodology acceptable to the EPA, and that the UBC had not substantiated its claim of the likely existence of vegetation eligible for threatened ecological community status or other vegetation of high conservation significance. The WAPC statement that the UBC had provided no collaborating scientific evidence is not correct. The UBC provided a written submission that included a photograph and cited references. It also provided oral evidence at the hearing that a botanist and a coastal expert had visited the site and assisted with the written submission. Dr Vic Semeniuk was named as one of the two scientists. The existence of the collaborating scientific evidence, which contradicts a 2007 consultant's report, means that there is an unresolved question regarding the nature and uniqueness or otherwise of the soil and vegetation on the site. It is premature for the amendment to go ahead before this question has been resolved.

The next concern is about ecological links. With the loss of this Bush Forever site, the ecological link will be severed. With regard to the proposal to plant on private lots to form a link between the two islands, there does not appear to be any legal mechanism in place to enforce this proposal on private owners. The problem with that means of ecological linkage is that there are no requirements to use local plants as opposed to more broadly indigenous plants. The boundary fences could be an obstacle for fauna; therefore it would not provide anything that could be described as a proper link. Residents' pets would also impact on both flora and fauna, and even if all these issues were resolved, the link would be too narrow for the purpose. The long edges of these islands, in comparison with their size, make them very vulnerable. For those of us who know a little about the management of bushland areas, the edge effect has a significant impact on maintaining the quality and health of native bushland. Compact areas with less edge and more middle are much more viable than long, skinny stretches of bush.

Unfortunately, bushland is often the last thing that is considered. There are reserves that are long and skinny and very vulnerable to weed invasion, fire and other forms of degradation because they have large boundaries. These islands comprise less land than the area that is to be lost, and it is only with the addition of the unrelated car park

areas that the total area gained is brought up to equal the area lost. The cut-out from the Bush Forever site renders the remainder immediately in front of the development too narrow to serve its purpose, effectively dividing the site. The Bush Forever site is 200 metres wide, which is the minimum width that can effectively link and sustain biodiversity conservation. In summary, there will be a net loss of natural values.

The WAPC found that the EPA had assessed the proposal and determined that the offset package is acceptable. It found that the development of mechanisms to protect vegetation on private lots would be more appropriately addressed at later planning stages. We hear this argument time and again, but we know very well that if these matters are not addressed at the rezoning stage, they will never be adequately addressed at the later planning stages. I have been involved in too many of these matters over the past decade to even begin to list them all. It is noted that the proposal is for a like-for-like land exchange, and that, according to the WAPC, the proposed offset package includes an increase in vegetation assemblages to be conserved in proposed parks and recreation reserves that is greater than what is currently being achieved under the MRS.

As has been already noted, the EPA assessment did not include a formal impact assessment. The concept of protecting vegetation on privately owned land is fraught with difficulties. I think it is very unlikely that the appropriate mechanisms will be developed to address that. Much as the islands have their own conservation value and would be a welcome asset and addition, they should not be seen as a trade-off for the loss of the portion of this Bush Forever site. This also raises concerns about creating a precedent for encroachment on Bush Forever sites. The Urban Bushland Council is most concerned about setting a precedent by cancelling the cut-out section's Bush Forever status.

The WAPC responded to this concern by arguing that the development provided a beneficial environmental outcome and that such developments should be considered on a case-by-case basis; that it was on a relatively small parcel of land; and that it did not necessarily set a precedent for other coastal developments. This is probably one of the reasons that this redevelopment proposal has rung alarm bells, because the existence of a continual coastal corridor of vegetation is a significant component of maintaining biodiversity on the Swan coastal plain. Once we set a precedent for cutting through that corridor, we create the potential for future developers to seek to do the same thing, and we will remove from the corridor the capacity for movement of wildlife and connectivity.

It is also argued that Jindee has long been identified by the Department of Planning as being suitable as a coastal node for development. Even if this is so, its Bush Forever status means that the site is acknowledged by the state as regionally significant bushland and a significant part of Perth's natural heritage, where Perth's remnant biodiversity resides. At the very least there should be a thorough environmental assessment process to check for any adverse environmental impacts before a Bush Forever site is altered, and this has not occurred.

Two recent reports have stressed the need for caution with developments that impact on flora and fauna habitat. I draw to the attention of members a University of Western Australia publication of December 2008 entitled, "Ecological linkages and the urban flora at risk on the Swan Coastal Plain, Perth WA: final report". This report and the accompanying media release stressed the need for overall landscape connectivity. For example, Perth faces local extinction of up to 80 per cent of its native bird population if urban clearing continues as currently. That is very significant. I do not know whether members are as attached to native birds as I am, but it is extraordinary that we have a significant diversity of native birds in the metropolitan area, and corridors and linkages are significant for maintaining those bird populations. Carnaby's cockatoo is one species that members will be aware is now threatened. Loss of habitat is the main driver behind threats to the Carnaby's cockatoo population.

A second report, entitled "Rich and Rare: Conservation of Threatened Species" was released by the Auditor General in June 2009. It examined the performance of the Department of Environment and Conservation, and its findings included that although Western Australia is internationally significant for its biodiversity of both flora and fauna, the number of threatened species is rising and thought to be significantly understated. However, as a result of the various challenges it faces, to a large extent the Department of Environment and Conservation is not effectively protecting and recovering threatened species. The report went on to say that habitat protection is a key to successful conservation and is up to 100 times cheaper than rehabilitation. Finally, the report stated that the Department of Environment and Conservation does not routinely identify habitat critical for the survival of threatened species and hence may not know whether a particular site is a critical habitat. The report also noted that the department had limited powers on private land, which is highly relevant, given that this proposal is for ecological linkage to be achieved by planting on private lots.

I know that in these debates about particular areas of bushland it is probably hard for members to grasp the significance of eight hectares of bushland in Wanneroo, because we are so used to knocking over bushland in the endless expansion north and south of the metropolitan area. Therefore, what is another eight hectares? Why is this particular development worthy of the attention of Parliament? I would suggest to members what I suggested

to the parliamentary secretary when we were having a conversation about why this metropolitan region scheme amendment should be debated in the house—a growing number of people in the community, particularly in Perth, know, value and will fight very hard to protect the blueprint for the conservation of native vegetation in the urban area. Ten years ago we had a report and a plan that was supported by all political parties, to ensure that Perth remained a unique city in its biodiversity, and that we do everything we could to ensure that the bush within the metropolitan area and of regional significance at that time was conserved, enhanced and valued for the benefit of the whole community and for its own intrinsic benefit.

Since then, in the past decade, we have seen the death by a thousand cuts of bushland of regional significance. The previous government, quite frankly, sat on its hands. It was the deepest disappointment to the conservation movement that the Labor government had eight years in which to implement a very good plan, and had the support of the Greens, among others, to make that happen. That opportunity is now lost. I have some hope, because a coalition government initiated this process 10 years ago, that the present government might honour its commitment and fulfil the key components of Bush Forever, which are actually about amending legislation to give legal protection to these sites. I know for a fact that one of the first commitments was that the sites that had been recognised as having regional significance and were in public ownership would be immediately protected. That did not happen. The statement of planning policy was to be put in place, but a decade later it appears that it is no closer. Quite bluntly, that is being prevented by a continuing drive by developers and governments quite happy to see urban sprawl over every single bit of the Swan coastal plain. We continue to lose wetlands of international significance on the Swan coastal plain at an alarming rate, and the drying climate is exacerbating that situation.

We are losing the battle to maintain Perth's heritage as a biodiversity capital. As long as the only objective is providing more housing at the cheapest possible rates, that incentive and the money associated with it will drive the agenda, and there will be no healthy bushland left in the metropolitan area. It will be left in small isolated pockets that will not be viable. Anybody who knows anything about trying to maintain remnant bushland will know that a very small parcel of a few hectares can be very vulnerable. I will give an example that happened just this week. Adjacent to where I live there is a small area of a few hectares that is called Banksia Farm. It is a very nice piece of remnant bush containing some lovely xanthorrhoea and banksia. The community fought hard to maintain that bit of bush, but last weekend someone dropped a lighted match in it, most likely, and it is now looking very knocked about. I realise that native vegetation can withstand a certain amount of fire, but banksia woodland does not like it very much.

I suggest that that is the fate of most of the areas of bush in the metropolitan area unless we get real about a systematic and scientific approach to setting aside comprehensive reserves. If we do not do that, we are just going to see money made out of knocking down bush, loss of native bird and fauna species, and the loss of opportunities for children to experience native bush—at the very least, the extraordinary display of flowers in the spring. I have done a number of walks with bush groups this spring, and the areas of bush that are being looked after are looking magnificent. But if we continue to slice pieces off Bush Forever sites, these sites will not be available for children to visit, for people to recreate, and for their intrinsic value and the moderating effect they have on what would otherwise be wall-to-wall concrete in the metropolitan area.

That is the reason the Greens are opposing this metropolitan region scheme amendment. I place on the record that I have met with the proponents of this proposal. I had a very good meeting with them, and I think that they have some good ideas. I am not opposed to what they are trying to do. In fact, of all the developers that I have met with over time, they should be congratulated for trying to achieve some sort of balance and not being overly greedy. They could demolish this whole site if they chose. I want to acknowledge that they are attempting to do the right thing. However, the reason I am obliged to bring this disallowance motion is that at some point a line must be drawn in the sand at which we say that no more Bush Forever sites are to be compromised or built over. How else does the government of the day get to understand that people are really over the fact that there has been a decade in which Bush Forever has been ignored and not implemented? I will continue to disallow whenever these losses of Bush Forever sites are brought before Parliament. In bringing this voice into Parliament, I represent a significant number of people who want to see a balance between urban development and bushland conservation.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [10.50 am]: I wish to say a few words in opposition to this motion and in support of the proposed rezoning. I was concerned myself when this motion first arose and I received correspondence from the Urban Bushland Council in opposition to the proposed rezoning. I took on board its complaints. I was equally concerned about a number of aspects of it, the most salient being the sacrifice of an area that had been labelled "Bushland Forever". I had an imperfect understanding of the concept at that time—I still cannot say that I am on top of the idea at the moment—but it occurred to me that an area that had been labelled "Bushland Forever" ought to stay bushland forever.

Nevertheless, I did go to see the area concerned and I had a briefing from the minister. I still had reservations about the issue. I subsequently had the benefit of a briefing from representatives of the developers, officers of those developers and their consultants. I have come around to the view that this motion ought not be supported and that the development is a good thing. It will be a positive for the area. The benefits that will flow from it will far outweigh the detriment, if any.

The two concerns seem to be that the land that had been labelled “Bushland Forever” is now revealed not to be preserved forever as bushland, and also a potential threat to the ecology of the area, particularly the supposed quality of the soil and its ability to sustain unique flora and fauna. I will deal with those in a moment.

It must be understood firstly just what area is involved and just how much of it is to be used for the development by way of rezoning. I have the benefit of a map, which I will seek leave to table. It shows the current lot 10, which is zoned urban, and the proposed area to be rezoned, which is currently parks and recreation, and the zoning swap, for want of a better term, that will reclassify certain areas, which are currently zoned urban, as parks and recreation. I seek leave to table the document, and I have copies for other members should they wish to see them.

Leave granted. [See paper 1547.]

Hon MICHAEL MISCHIN: Members will see that some 6.7 hectares of the area that is currently zoned parks and recreation along the coastal strip will be rezoned as urban and opened up for development. Not all of that will necessarily be used for development; there will still be a buffer zone as part of the planning and design of the proposed development. What is of significance is that certain areas that are currently zoned urban will now be rezoned as parks and recreation. Members will see an area off to the south eastern edge of lot 10 that is described as Eglinton Hill. That will be an expanded area. It is very small and, one would think, a non-viable area at the moment for parks and recreation and preservation of the environment, but that will be expanded by a factor, in my estimation, of about seven, eight or nine times, and an area south west of the block also will be rezoned. The purpose of that is to provide what is lacking in the area at the present time, which is an east-west ecological link. It is said that those two areas are not in fact linked by way of rezoning, and that is the case, but it is a vast improvement on what is currently there. One must bear in mind that lot 10 currently, and for as long as anyone can remember, is zoned urban.

Hon Ken Travers: “As long as anyone can remember”—since the Liberal Party rezoned it in the 1990s when it did a broad-scale rezoning across metropolitan Perth. Some of us can remember before that decision was made. It was a very significant and a very silly thing that the Liberal Party did.

Hon MICHAEL MISCHIN: Hon Ken Travers will have the opportunity to talk about ancient history in a moment.

The developers have owned that land since about 1978, as I understand it. The land has been zoned urban. They are entirely within their rights, and have been, to do the same sort of development that is currently underway south of lot 10 and is able to be done north of lot 10, which is essentially to bulldoze an entire area, do a flat-earth development, destroy any topographical features and do the very, if I might say, ordinary form of development that is currently underway immediately south of lot 10.

The map is not quite accurate in one respect. Members will see some roads and lots marked out in the south east of lot 10. That has in fact expanded, from what I have seen in my personal observation of the area, so it includes the area to the west and to the coast. If any members think that is somehow beneficial, they are sadly mistaken. It may still preserve the current parks and recreation zoned area, but, if there is any danger of encroachment onto that and degradation of that area, it will be caused by the sort of flat-earth, scorched-earth development that is currently underway and which the developers are entirely entitled to do in the area that is currently lot 10. What they have in mind is something very different. They have in mind an urban village or a seaside village concept. The setbacks will be no different from what is currently in place in Cottesloe and Fremantle, as I understand it. They have in mind to use the competent limestone base in the parks and recreation zoned area to extend the urban development by way of seafront residential and low-density commercial development in order to give it that seaside village feel.

The developers also propose to preserve the topography of the area and as much as possible the vegetation of the area, which again is unique as a development concept there and in other parts of Western Australia. They have in mind not simply the bulldozing of it and a cheap and cheerful or very ordinary development, which they are entirely capable of doing, but something unique and innovative. They have had in mind developing this area since about the year 2000. Back in 1996, the then Ministry for Planning put out a concept called Inquiry by Design. Its concept was pretty much what is seen further south from lot 10. It shows an encroachment into the currently zoned parks and recreation area on the coast. Even the then Ministry for Planning, therefore, had in

mind something that for it was quite innovative but involved some sacrifice of the current area that is parks and recreation.

What must also be borne in mind is that if the development goes ahead in its usual form—that is, consistent with what is currently being done up and down the coast—there will be an obligation on the part of the developers, or the authorities indeed, to provide parking for those using the beach area. That parking would ordinarily be excised from that land which is zoned parks and recreation. The developers plan to in fact excise part of the urban area and the urban development to accommodate parking.

Hon Ken Travers: It is not just “plan to”; my understanding is that it is part of the agreement.

Hon MICHAEL MISCHIN: Part of the agreement, yes—if the developers can go ahead with what they currently have in mind.

Hon Ken Travers: It is part of the signed agreement with the government that they will provide public parking behind the developments. That is a legal requirement, but the minister might be able to correct us on that point if we are not correct.

Hon MICHAEL MISCHIN: The member seems to know an awful lot about it, so he can tell us about it when he gets up to speak.

The point that I make is that we do not have a sacrifice of an area that is currently zoned parks and recreation simply as an arbitrary concession to development; it is part of a concept that will be a benchmark for future developments along the coast. That is not to say that other areas that are zoned parks and recreation along the coastal region or that are currently classified as Bush Forever will be sacrificed for that purpose. However, hopefully, by putting in place a development which is innovative, which has relatively low density and which uses the topography of the area to try to preserve as much of its attraction as possible, we will form a standard. If it becomes popular and if it reaps the rewards that the developers hope for, this development will encourage others to do the same, which will improve the quality of developments along the coastal region and elsewhere.

Bush Forever is in a sense a misleading label; it has never been set as a planning consideration that is binding, as I understand it, and that is unfortunate. However, it must also be remembered that just setting relatively arbitrary lines on a map and trying to preserve them against any form of change can lead to disadvantages for both the community and ecology generally. I have been to see this area, and it seems that there is a possibility or potential that this soil may have some characteristics that can support unique flora and fauna, although there is no evidence that it does so. As I understand it, if the area is preserved as parks and recreation, it will be too small to encourage any unique forms of flora in a viable way. However, the proposed development at least gives the potential for an east-west ecological link that is not currently available. Furthermore, we have agreement to use part of that which is zoned urban as the car park area, in addition to the currently very small parks and recreation reserve on Eglinton Hill.

I understand that the minister representing the Minister for Planning will delve further into the details of the proposals and answer many of the objections, so I do not propose to take up too much of the house’s time. However, I must say that, having seen the area, the suggestion that somehow the beach area will be even further degraded by allowing development to encroach a bit further into the current parks and recreation area is simply, in my respectful view, wrong. I have been there and have seen the damage done to the beach area. As it currently stands, people do not have access by road to that land, so they use their four-wheel drives to cut tracks throughout the entire parks and recreation area. Therefore, this area has a better chance of being preserved by some reasoned and measured development. I would support that development, and I oppose this motion for disallowance.

HON ROBYN MCSWEENEY (South West — Minister for Child Protection) [11.05 am]: I thank Hon Michael Mischin for his contribution to this debate. Michael lives in the area and takes a very keen interest in what is happening. The intention to create a coastal node at Jindalee has been identified for a number of years and has been the subject of considerable study and stakeholder consultation. The majority of the proposed Jindee development is already zoned urban. Therefore, we need to note that the developer could have already built a development that certainly was not meaningful. However, this is a planned development; it is not a cheap rough-and-ready development. This development has actually been well planned and well thought out and it fits in very nicely with the terrain. It is a managed development and a balanced development, and the government will not support this disallowance motion.

One of the issues raised in the debate was that the site is recognised as regionally significant bushland and is part of Perth’s natural and biodiversity heritage. I think Hon Giz Watson spoke on that issue. Lot 3054 is reserved as parks and recreation under the metropolitan region scheme and is recognised as regionally significant by its inclusion in the linear north-south Bush Forever site 397. A small proportion of Bush Forever site 397, which extends from Mindarie in the south to Wilbinga in the north, is located adjacent to Lot 10. Lot 10 is zoned urban

under the MRS, with a small portion of the site comprising Eglinton Hill, which is reserved for parks and recreation. The current zoning of the site under both the urban MRS and the City of Wanneroo district planning scheme 2, urban development, would allow for the site to be subdivided in a similar manner to the surrounding conventional development.

The proposed MRS amendment rationalises the boundary between the existing urban zone and the coastal parks and recreation reservation. The amendment retains the primary and secondary dunes through the inclusion of a 50-metre setback from competent limestone above three metres on the Australian height datum in accordance with state planning policy 2.6, state coastal planning policy. In addition, an east-west transect is provided by the reservation of two inland parks and reservation areas. This is unique to the Jindalee locality; no equivalent transect in the region captures such a diversity of vegetation and habitat types. In supporting the MRS amendment, the Environmental Protection Authority recognised that the proposed parks and recreation reservations will increase the number of vegetation assemblages and fauna habitats to be conserved and the opportunity for retention of dunal landforms around Eglinton Hill. Eglinton Hill is the highest point in the locality and is currently reserved for parks and recreation under the MRS. The proposed amendment significantly increases the size of the reservation and will provide further protection for the existing vegetation.

The second point raised in the debate was that the Environmental Protection Authority did not formally assess the amendment and declined a referral from the Urban Bushland Council for a formal environmental assessment. It was also said that the two new parks and recreation reserves should not be used as a trade-off for the loss of coastal parks and recreation reservation. The response to that point is that the EPA has indicated support for the amendment on the basis that the two areas of parks and recreation reservation are being provided to offset the portion of coastal parks and recreation reserves—that is, Bush Forever site 397—proposed to be zoned urban. The two parks and recreation reserves will be linked with native vegetation retained on private lots. The linkage is to ensure that the ecological function of the eastern portion of the parks and recreation reservation is retained. Without the vegetated linkage, the EPA would not consider the proposed parks and recreation reserves to be an adequate offset for the reduced coastal foreshore reserve. The EPA acknowledges that the proposed parks and recreation reserves provided an inland conservation area in addition to a foreshore conservation area. This increases the number of vegetation assemblages and fauna habitats to be conserved. The inland parks and recreation reserves also improve the viability of retaining the upland area surrounding Trig Point. The Environmental Protection Authority notes that the area being provided as an offset does not include two hectares of parks and recreation reserve that would have been used as regional car parking within the foreshore reserve. The EPA is satisfied that there are no declared rare flora or threatened ecological communities on lot 10. It is satisfied also that no priority flora species occur on lot 10 or on the areas to be reserved as parks and recreation.

The EPA liaised with the owner of lot 10 for a number of years to ensure that the MRS amendment met with the EPA's regional environmental objectives. Those objectives include retaining the habitat values of the foreshore reserve; offsetting the reduced foreshore reserve with an inland reserve where a broader range of vegetation types could be conserved; and ensuring that the parks and recreation reserves include natural areas that represent the regionally significant values on lot 10.

In setting the level of assessment on the amendment, the EPA determined that the modified parks and recreation reserve boundary met the EPA's environmental objectives, and the level of information on native vegetation was satisfactory to make an informed decision. In making its decision to not formally assess the amendment, the EPA also acknowledged that the area has been identified as part of the north west urban corridor for a number of decades and is already zoned urban in the MRS. The EPA does not consider that the unusual soil characteristics described by the UBC will affect the regional conservation values of the vegetation on lot 10. It is acknowledged that the soil characteristics will affect plant density and size, compared with similar soils in the vicinity, but the area involved is too small to cause a new floristic community. The EPA considers that the circumstances and potential environmental impacts of the Burns Beach and Alkimos-Eglinton formal assessments differ substantially from the Jindalee proposal and do not set a precedent for the formal assessment of this amendment.

To answer another question that was asked by Hon Giz Watson, there has been no formal environmental assessment under federal law. The WAPC referred the MRS amendment to the federal Department of Environment, Water, Heritage and the Arts during the advertising period and received no submission on the proposed amendment. The proponents are aware of their obligations under the Environmental Protection and Biodiversity Conservation Act 1999 and the triggers for referral. The proponents have been liaising with the Department of Environment, Water, Heritage and the Arts. In this regard, the proponents have advised that the landowner will continue to meet the statutory obligations under the EPBC act.

Another issue that was raised by Hon Giz Watson is that the WAPC found that the UBC had no corroborating scientific evidence on the existence of unusual soils and vegetation types on this land that would possibly satisfy the criteria to be classified as a threatened ecological community; however, a botanist and coastal expert, Dr Vic

Semeniuk, had visited the site and assisted with the submission. In response to those comments, I am advised that the consultants undertook the following vegetation and flora surveys in support of the MRS amendment: Dr Weston surveyed and mapped vegetation units in the 1990s; a survey was done by RPS Survey and Bowman Bishop Gorman in October and December 2004 in accordance with methods specified in EPA Guidance Statement 51, "Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia"; an RPS survey that was done in spring 2005 for declared rare flora and priority flora found no DRF, and it found one priority 3 species that is to be protected in the proposed parks and recreation reserves; in early 2008, Dr Weston surveyed for threatened ecological communities and confirmed that there is no TEC or floristic community type 26A on site; and finally, the submission of flora and fauna survey findings to EPA and DEC officers prior to the MRS amendment application resulted in acceptance of survey method and findings.

The proponents' environmental consultants considered the possibility of unusual soils and vegetation on site by undertaking a botanical assessment and concluded that there was no scientific evidence of any significant or unusual vegetation communities on site. Similarly, there was no evidence suggesting that a new threatened ecological community existed on site through the existing published information or the survey work undertaken.

The EPA considered the environmental investigation that had been undertaken and was satisfied that the environmental values of the site had been adequately considered. The EPA advised that the inland parks and recreation reserves provide an adequate offset for the rationalisation of the coastal parks and recreation reserve. It also deferred consideration of the ecological linkage between the coastal and inland parks and recreation reserves to the subsequent planning stage. On this basis, the EPA did not consider it necessary to meet with Dr Cate Tauss and Dr Vic Semeniuk to review the values of the site.

In accordance with legislative requirements, the WAPC referred the amendment to the EPA, and the EPA determined not to assess the amendment. The EPA determined the level of assessment on the amendment having regard to all the information that was available and any additional information if required. Therefore, the WAPC accepts the advice of the EPA in good faith.

I turn now to the issue raised by Hon Giz Watson that evidence from the UBC contradicts the consultants' 2007 environmental investigations regarding the uniqueness of the soils and vegetation. The EPA has legislative capacity to formally assess any proposal if potentially unacceptable impacts are implied. The landowner engaged environmental consultants who have undertaken onsite surveys for flora and fauna, and these findings were reported to the EPA. The EPA accepted the vegetation and flora survey methods and findings provided by the environmental consultants and did not require formal assessment. As already outlined, the investigations found no scientific evidence of any significant or unusual vegetation communities on site. The EPA did not consider that the UBC submission on unusual soil characteristics would affect regional vegetation values for the site, given that the subject area is too small to cause a new floristic community.

The next issue raised by Hon Giz Watson is that the protection of vegetation on private properties is difficult and it is unlikely that appropriate mechanisms will be developed to address this. I will now respond to that. The concept of an east-west ecological linkage connecting the proposed new parks and recreation reserves with the existing coastal Bush Forever area was a key consideration by the EPA. The specific mechanisms to address the retention and long-term management of an ecological linkage through private land were considered as a deferred factor by the EPA. The EPA determined that this process could be undertaken in a subsequent planning stage and mechanisms could be developed in a manner that preserves this linkage. As this is an MRS amendment, it would be premature to attempt this level of detail where detailed planning and site requirements are yet to be finalised. This process routinely occurs in the subsequent planning stages. The preservation of remnant vegetation in the ecological link will be addressed through an amendment to the City of Wanneroo District Planning Scheme No. 2. It is noted that that amendment will require referral to the EPA under current legislation, and the provisions for achieving this link will be assessed by the EPA from an environment perspective. The provisions will be implemented in the subsequent planning stage involving structure planning and subdivision.

Hon Giz Watson also mentioned that two recent reports stress the need for caution in respect of development that impacts on flora and fauna. Those reports are a report from the University of Western Australia titled "Ecological Linkages and Urban Fauna at Risk on the Swan Coastal Plain, Perth WA", which was released in December 2000, and a report by the Auditor General titled "Rich and Rare — Conservation of Threatened Species", which was released in June 2009. The two references cited by Hon Giz Watson are not site-specific to the Jindee proposal. Notwithstanding this, the proposed MRS amendment is responsive to the natural ecology of the site by preserving biodiversity and the creation of an east-west ecological linkage. The MRS amendment proposes the preservation of an east-west ecological linkage that contains greater vegetation types of floristic communities than the portion of coastal reserve affected by the exchange. The east-west linkage increases the number of vegetation mapping units and habitat types contained in the reserve, thus equating to greater

biodiversity. Furthermore, the remaining portion of coastal parks and recreation reservation will enable the retention of major dunal ridges, increasing the diversity and landscape features of the site.

Another issue raised was that Dr Bruce Hamilton, who is the independent environmental expert on the Hearings Committee, agreed with the Urban Bushland Council's submission. The comments from Mr Hamilton refer to the UBC presentation at a hearing. In accordance with requirements, a Hearings Committee collectively makes a recommendation to the Western Australian Planning Commission on an amendment. In this regard, two of the three members of the Hearings Committee recommended that the WAPC support the amendment for final approval.

The last issue raised was that it is premature for the amendment to be finalised without a formal environmental assessment by the Environmental Protection Authority. The EPA has made its decision under the current legislation that the amendment does not require formal assessment. The EPA notes that the amendment proposes to retain a greater diversity of vegetation assemblages and fauna habitats and the retention of dunal landforms. The proposed development is the culmination of more than 10 years of detailed planning based on achieving a superior environmental and urban form outcome to create a sustainable community. The amendment proposes an alternative approach to urban development that retains landform and topography where possible, avoiding widespread clearing. The proponents also undertook to provide stakeholders, including the UBC through the Conservation Council of Western Australia and the Greens (WA), with a number of opportunities to be briefed on the project, attend site inspections and clarify any relevant environmental issues. The daily *Hansard* transcript advises that Hon Giz Watson gave notice of this disallowance motion on 24 June 2009. As I have said, the government will not support this disallowance. I hope that my comments have answered all the member's questions.

HON SALLY TALBOT (South West) [11.21 am]: The opposition will not support this disallowance motion, and I will go into a bit of detail about why that is the case. I listened to Hon Giz Watson's speech this morning, and there was very little in that speech with which I or my colleagues on this side of the house would disagree. However, we have a very unusual set of circumstances in the case of the Jindalee disallowance. It is the nature of those circumstances that has led us to make the decision not to support the disallowance motion. As other contributors to this debate have acknowledged, this issue has been around for some considerable time. I note that Hon Michael Mischin acknowledged the depth of the understanding that my colleague Hon Ken Travers has about this issue. Hon Ken Travers has followed this issue right from its inception and will make his own comments about this matter. He has certainly followed the issue in great detail and has some very insightful comments to make.

Hon Ken Travers: Don't raise it too high!

Hon SALLY TALBOT: I do not think I could ever raise expectations too high, Hon Ken Travers! I acknowledge that Hon Ken Travers has led this debate in our party room for some time.

The other important contributor to moving this issue along has been Hon Alannah MacTiernan, who, as Minister for Planning and Infrastructure, took her usual level of forensic interest in what was going on at Jindree, or Jindalee. I have never been convinced that that is not just a typo on the metropolitan region scheme amendment.

Hon Giz Watson: They use both.

Hon SALLY TALBOT: Yes, those terms are used interchangeably, as Hon Giz Watson points out. The development is called the Jindree development, so perhaps I will refer to it as that.

I am told that Hon Alannah MacTiernan got personally involved in discussions with all the parties involved in this matter, and was absolutely adamant that no principles or regulations would be breached in allowing this modification to the MRS to go through. I am told that at one stage she was on two or three phones at once to different sources of advice during a meeting with stakeholders. She came up with the conclusion that she firmly believes is the right decision, and that is the one that the opposition will support in opposing this disallowance motion.

The reason I feel slightly equivocal about the course that we are going down in not supporting Hon Giz Watson's disallowance motion is that on these occasions we are faced with a choice. That choice is whether to support what one considers to be a better environmental outcome or to set a precedent. The precedent in this case would be the excision of land set aside for schemes such as Bush Forever. I would never want to go down that path, because I think that, particularly in the area that we work in as parliamentarians, setting a precedent is always a dangerous thing to do. We know that it might come back and bite us in places where it hurts. However, in this case I believe that the argument for proceeding with this excision from the Bush Forever site is stronger than the argument for opposing it and thereby not setting a precedent. I base that observation on two specific points. The first is that I have seen an aerial view of the coastal development in the area of the proposed Jindree development. I think Hon Michael Mischin referred to this, and I hope I did not misunderstand him. Developers have adopted

what amounts to a scorched-earth policy in developing land north of Cottesloe up to the edge of Jindee. The map of the area indicates that there is very little vegetation left. It pretty much looks like a desert. I am not saying that they are not very pleasant places to live. If people are fortunate to have ocean views, or even ocean glimpses, they can count themselves fortunate to live there. But the protection of bushland certainly has not been a priority of developers along that section of the coast.

I noted also in the briefing I had on this disallowance motion that that sort of scorched-earth development has leapfrogged the Jindee block—that is lot 10. People can see that the lots to the north of Jindee have already been completely cleared so that developers can insert the maximum number of subdivisions. Lot 10 in Jindee is a bit of an oasis in the middle of a desert. It is fair to say that were this excision not to go ahead, we would have a better than even chance of that kind of development taking place on the Jindee block. I have never been convinced that developers do the right sums when they tell us that that is the way to get the best capital return on their investment. Certainly, in my area of Peel, some very innovative projects have gone ahead on the basis that that sort of scorched-earth policy is not adopted and that people will pay more for land that preserves some conservation value. Incidentally, I note also that under the parameters of sustainability and affordability, there has been some development in the Peel area whereby the developers, much to their surprise, have made more money out of developments that are sustainable and affordable than they would have made out of the standard four-by-two built to the boundaries of a block. There is plenty of room for out-of-the-box thinking on developments of this kind. I am persuaded, on the basis of the information I have, that that is what we are looking at in relation to the development of lot 10. What has been proposed by these developers is a better outcome for the environment than there would have been if they had not been able to go ahead with their proposal, which involves the excision of Bush Forever land. That is the first reason why I am persuaded: I think we can preserve something of the oasis that lot 10 is at the moment by making this amendment to the metropolitan region scheme.

The second reason is that as shadow Minister for Environment, and in my previous role as Parliamentary Secretary to the Minister for the Environment, I am acutely aware that the argument most frequently used about the development of the coastal area north of Perth is that we are losing the east-west links. That is important not just for community use of the recreational facilities—in that when east-west links are lost, the public tends to find its own way to the beach, which is not always done in ways optimal to preserving conservation values—but also from an ecological sense in that we want to keep ecological communities connected with each other. When that scorched-earth development takes place, it tends to cut off those east-west links, thereby severely disrupting, if not destroying, the ecological communities in those areas. I understand that the developers have put that consideration right at the top of their list of concerns, and when I studied the plans, I was persuaded that those east-west ecological links would be preserved, rather than destroyed, on a couple of areas of lot 10 by what has been proposed. On the basis of those two arguments, I am persuaded that we should go down the path proposed by the former Labor government before the election, and we will therefore not be supporting this disallowance.

A couple of weeks ago I had quite a lengthy meeting with Mary Gray and Margaret Owen—Bush Forever representatives—who brought a long agenda for my consideration, one item on which was the Jindee development. I made it clear to them at the beginning of our discussion exactly what my views were on this matter, and they were very gracious to me in their acceptance of that position. I urge members of the government to take the opportunity to meet with the Urban Bushland Council. It is a very, very sound group that is very committed to the issues it takes up, but I think what impressed me more than anything else was its degree of expertise. We spend a lot of time dealing with volunteers and community groups in the environment movement, all of whom do a fantastic job throughout the state. What particularly marks the Urban Bushland Council for a special remark is that the collective wisdom of its members means that it has a very impressive degree of professional understanding and professional expertise in what it does. If members read the curricula vitae of many of those people who are now working as Urban Bushland Council volunteers, they will see that when they talk about these things, they back it up not only with a great deal of scientific understanding, but also with many years' experience of working in these areas. The example given to me was in relation to the Underwood Avenue proposals. We have people who have been collecting data on the ground for as long as 25 years.

Hon Giz Watson interjected.

Hon SALLY TALBOT: That is as impressive a record, I would suggest, as any government department, and tribute must be paid to them on that basis. I urge members of the government to take every opportunity they can to talk to people from the Urban Bushland Council.

I make one further comment on a point that Hon Giz Watson raised: it is indeed a source of concern to the opposition that some of the formal environmental assessments remain outstanding. I know it was a great disappointment to the Urban Bushland Council that the Environmental Protection Authority did not feel it necessary to undertake those assessments. I raise that concern also, but I am consoled by the fact that when this

amendment is made and the developer takes things to the next stage, all the environmental approvals relating to a development of this kind will still be needed to allow the development to proceed.

On that basis, I signal that although the opposition will not be supporting this disallowance, we do have every empathy with the arguments of those who are unhappy with our decision, and we put on record very strongly that we do not expect this to set a precedent for the removal of any other land from the Bush Forever program.

HON KEN TRAVERS (North Metropolitan) [11.36 am]: I have followed this issue and the development in this area for virtually the whole time I have been a member of Parliament. Throughout that time, I have consistently sought to have greater amounts of bushland throughout this area protected. The comment I made to Hon Michael Mischin related to one of the great shames, which was the decision that was taken in the 1990s by the then Liberal government to rezone all of this land as urban, and not to use the urban deferred processes to try to maximise the benefits that the state can negotiate with developers.

Having said that, the developers in the northern corridor have brought on some very innovative product, but what we are debating today is probably the jewel in the crown of those developments. It is a shame that we could not have had this debate during Committee of the Whole, because it would have been fantastic for us to have the maps—I appreciate the tabling of the map by Hon Michael Mischin today—to see some of the history on the table so that we could all get around and understand the history of this project and why I believe it is the jewel in the crown of the northern corridor. It is something completely different from what we have had in the past in that area, and, I suspect, what will occur beyond the area.

As I have said, it takes a significant amount of persuasion to convince me that we should ever trade off any bushland, even if it is to swap it for other bushland. The approach that I think one must take to these things is to question: is the overall net benefit to the conservation estate improved; and, what are the social and environmental outcomes achieved in total by way of a development? I believe this development will provide not just a net benefit to the conservation estate, but will also achieve better social outcomes in the northern corridor. We will actually, for the first time, see something different. I congratulate the developers, because they spent a lot of money trying to do something completely different from what other developers have done in the past. If anyone knows the development industry, that means they have taken a risk. I suspect that, as Hon Sally Talbot pointed out, they may find that that risk is rewarded. People take a greater risk often because they can see an economic benefit at the end. The developers of this proposal are taking a risk in going outside the normal parameters of what many developers do. Developers usually do a formatted development similar to that of the designer before, although they might make some minor changes along the way. This project has had a long history of a lot of work having been done by a lot of international experts. In fact, I think one of the earlier planners was the person who designed the town in which the Jim Carrey film *The Truman Show* was set. If I am not mistaken, one of the earlier planners they brought out to assist in the design process was the person who did the planning for the town where that film was set, but I stand to be corrected on that point.

I also want to make it very clear that I believe that, even though the land has been zoned urban and the state has lost a significant control mechanism in terms of urban sprawl, we must try to slow down the urban sprawl. As Hon Michael Mischin pointed out, the urban sprawl has now come to the southern end of this development. Additional to what is depicted in the map that the parliamentary secretary tabled, land to the east and north is already being subdivided in the way in which the land has always been subdivided; that is, to bring the bulldozers in, to clear it down, and to then use limestone blocks to try to maximise the available land for the development to get a better outcome. That is not what is going to occur here. As an aside, I am disappointed that the government's "Directions 2031: Draft Spatial Framework for Perth and Peel" document will encourage urban sprawl rather than infilling urban areas in Perth. I attended a conference in Canberra yesterday about mobility, sustainable transport and affordability. I was reminded that our urban sprawl is not sustainable and that it is wrong to allow it to continue. "Directions 2031" is a huge backward step and runs counter to making the greater Perth metropolitan area more liveable.

I will go through some of the key reasons for why I think this development will add to the net conservation estate and deliver something that is very different from anything we have seen before in the northern corridor and, indeed, across the Perth metropolitan area. The boundary between the land that will remain as a conservation estate and the land that will be rezoned as urban was not arrived at arbitrarily; it was the result of careful mapping. The boundary would have been even closer to the coastline if it had followed the geographical features of the primary and secondary dunes along the coastal foreshore reserve. However, Hon Alannah MacTiernan said that the state had a policy of maintaining a 50-metre setback along the coastal strip; it was one of the things she insisted upon as part of the negotiations with the developer that led to this metropolitan region scheme amendment. The boundary is not arbitrary; it is mapped around the coastal dunes.

If this amendment were to be disallowed, some of that land would be taken up for car parking. As people who visit Whitfords know, such land is often taken up for car parking. That does not provide social outcomes. The most popular beach in Western Australia is Cottesloe because there is access to the beach. I note that as part of the redevelopment of Cottesloe, there has been an attempt to move parking further back behind the commercial strip so that there is no barrier between commercial development and the beachfront. One of the things that will come out of this development is that we will see commercial development on the beachfront. It will become a preferred beach of choice for the community, but it will be done in such a way that will make it a better place for people to visit and recreate than the Cottesloe beachfront.

What do we get in return for the conservation estate? There was previously a reserve around the Eglinton Hill area; it is probably the highest point in that general vicinity, but it was insufficient to provide a good outcome from an environmental point of view. That reserve will be expanded as a result of this amendment. Along the coastal strip, some key east-west dunal systems will be incorporated into the conservation estate; that will be of benefit. When we add all these things up, it is approximately the same amount of bushland. One could argue that that is still not sufficient to warrant going down this path. However, this will be a very different development from ones we have seen in the past. Instead of bulldozing the area and replacing it with flat blocks, the developers will maintain the topographical form. The planning will include a corridor of larger blocks of approximately half an acre; the minister can correct me if my figures are wrong. They will certainly be larger than the standard blocks in that area. There will be a limited building envelope to maintain a conservation corridor for the movement of wildlife, which is very important. It will provide a linkage between the conservation estate along the coast and the larger, expanded conservation estate around Eglinton Hill.

As members have already pointed out, there are not very many east-west linkages in the northern corridor; in my inaugural speech, I talked about the need for more east-west linkages. It is a shame that it cannot be extended to the Neerabup National Park, but this is still a significant improvement. A significant amount of the land in the conservation estate will be owned by the community. In what is probably a first in the northern corridor, there will also be significant protections for the conservation estate on privately owned land. When people buy the land, it will be made known to them that they have only a limited building envelope.

Members have talked about the fencing; that is something we should be talking to the developers about. I am sure the developers would be open to those sorts of discussions. I have been involved with this development for longer than I care to remember, and I think the developers would be prepared to look at what sort of fencing will be required. I cannot make a commitment on their behalf, but the developers would be keen to have something very special.

I have no doubt that in 20 years' time, people will be blown away when they drive through this area. They will have driven through kilometres of suburbia to suddenly come upon an area in which the environment is protected, there is a great social outcome on the beachfront and a great community centre in the form of an activity node, with car parking behind the commercial developments rather than in front. One actually has to imagine it, because I cannot think of a similar place that already exists in Perth. Tokyu Corporation has created something slightly similar in the Yanchep area, but not to the same degree.

I place on record that one of the difficulties of the planning structure is the need to make this agreement. There are some legally binding elements associated with the stuff I have talked about today written into the agreement between the developers and the state. There is also a commitment from all parties to progress the development to the next stage under the structure of the local planning scheme. I have great trust in the minister to ensure that what has been previously committed to will be developed, and that the developers want to create something special on this occasion. I also have great trust in the City of Wanneroo. Apart from anything else, if the developers were to deviate from the outcomes we have been talking about, it would be a very sad day. However, there are enough protections in the system in the form of written agreements to ensure that the project is delivered. By the same token, it is important to have the capacity to provide for innovative developments. I hope that the social, environmental and economic success of this development will result in other developers replicating this project on land further north that has been zoned as urban, and that we will end up with better net social and environmental outcomes across the northern corridor. That is what I look for from this development.

I have pretty much covered all that I want to cover. This is a project that I am really looking forward to and I hope the developers get on with it. It will be fantastic for this development to occur and to become the demonstration project for the northern corridor. I am not suggesting that Bushland Forever should be given up in other areas, but I hope that one of the things that will come out of this project is that other developers will look at ways in which to mirror some of the innovative ideas of this development further north along the corridor. I have only been a very small player in the process to date, although as a member of Parliament I have taken an active interest in the planning of that whole north west corridor. I am very proud of the additional land that we were

able to save at Burns Beach, for instance, and add to the conservation estate. It was one thing I achieved very early on in my career in politics. With this development, a range of people have tried to put a vision into reality, and I have no doubt that that reality will be even greater than we can possibly imagine.

I congratulate the people in the Department of Planning, the environmental scientists, the former minister, the current minister and the people at the City of Wanneroo, who have been prepared to seek a better outcome for the environment and for society. It is clear that the numbers are not there for this disallowance to be passed, but if the developers just go through this site and do it the same as has been done to the south and east and is soon to be done in the north, that would be a sad day for Western Australia, because we would have missed the opportunity to put that little pink diamond into the jewel that is the northern corridor, standing as a shining beacon compared with the other developments.

I wish everyone all the best. I hope to see the vision that has been outlined come to fruition. Because we could not lay out the details of this development in today's debate, I urge members to get a briefing from the department and the other people who are involved in this and have that vision. I am sure members will be very impressed, and members in the south and the east will be very jealous, because they will want similar developments in their own areas. I hope that this will set a new standard for the way in which developments are done—we do not just go into an area and knock down the bush, and the private sector takes responsibility for protecting some of the urban bushland. That is what I expect and hope will be one of the great outcomes of this development going ahead. It will now set the new standard to which others will aspire.

HON GIZ WATSON (North Metropolitan) [11.53 am] — in reply: I thank members for their contributions to this debate. I found it useful and interesting, and a worthwhile debate to have in this place, which is another reason why moving disallowances on certain matters is constructive—it gets some things on the record. Perhaps I did not emphasise strongly enough that I appreciate that this development is making an effort to do things differently. I appreciated the briefing I received from the developers. Unfortunately, there is the big picture, which is that if the metropolitan area continues to expand it will inevitably be at the cost of bushland. We need to be very careful about ensuring that those areas that have already been identified as significant are protected. That is the reason for moving this disallowance. I absolutely agree that the moonscape approach to development, which has been the history of urban development in Western Australia, is appalling, and that this development is slightly less bad.

Hon Ken Travers: I am also glad that we have had the debate, because it raises those issues, and now the house is aware of them.

Hon GIZ WATSON: Yes.

It will come as no surprise to members that we absolutely oppose the moonscape approach. To add insult to injury, developers flatten every bit of banksia woodland, coastal heath, tuart and everything else in the way. Of course, builders like flat sites. Being a builder I know that it is much easier to build on a flat site than one that has trees on it and on which the topography is still in place. Nevertheless, it can be done and it can look excellent. However, in some developments the landscape is flattened, and then the roads are all given nice names like “Banksia Woodland” and “Zamia Place”. That makes me weep, to be quite frank. It is nostalgia for something that might have been there if we had not bulldozed it. Nevertheless, that is the nature of the strange beasts that we are.

I will respond briefly to a couple of points made in the debate. Firstly, a comment from the parliamentary secretary, Hon Michael Mischin, that we should not respond to or be limited by arbitrary lines on a map, gives the impression that the sites that have been identified in the Bush Forever process, which is now called Bushplan, were arbitrarily marked off. It was not arbitrary; it was actually very rigorous. I know a number of the botanists who did the bulk of that work, and I do not think it does justice to the work that went into the Bushplan process to suggest that those lines were arbitrary. The case could be made that the zoning as urban of all this area in the 1990s was equally arbitrary, but those lines are defended because they have money behind them. That is how we do business, to be quite frank. Once something is allocated to a particular ownership, those lines will be defended to the max. That is why we have the fight with the University of Western Australia wanting to clear the bush at Underwood Avenue. Lines on the ground are defended for certain reasons, and created for certain reasons, some of them more rigorous and defensible than others.

I appreciate that there is a commitment to creating a linkage between the areas that are to be offset to compensate for the loss of the Bush Forever site, but that is not guaranteed in this process. I guess we are investing that trust in the developers to try to do that to the best of their ability. I wish them the best of luck. If they can do that, and bind the people who buy those blocks that will provide that linkage to commit to doing that and to avoid having fences that would create barriers and not allow linkage to occur, that would be fine, and legal mechanisms

should be implemented to ensure that that takes place in perpetuity. What happens if these developers suddenly decide they want out of this halfway through the process and sell to somebody else who does not have that commitment and history? I am not suggesting that that would happen, and I am sure that by this point in time they are very committed to doing it. I hope that in the least worst of the options they can go ahead and do a good job of it.

The other thing that I cannot help but put on the record again is that if this development does not have a policy about not having cats, it might as well not have any linkages. Research shows that the biggest impact of domestic and semi-wild cats is at the development stage, or the first point of urbanisation. If this development does not have a no-cat policy, we might as well set up a nice little run for all the native fauna to be available for the local cats.

Hon Robyn McSweeney interjected.

Hon GIZ WATSON: Yes, excellent—that is good, but unfortunately the legislation does not deal with that specific service.

Hon Ken Travers interjected.

Hon GIZ WATSON: I know that that is a provision in some other rural developments, and local governments can make those requirements in their approval processes. I encourage that to be a part of this proposal.

Hon Ken Travers: I suspect that the people who buy the land would want to know that that is the case as well, because the people who buy this land will want to be in that bushland setting.

Hon GIZ WATSON: Yes, and of course the trick is to give it some weight, because if it is just an understanding without any capacity to be enforced, when the properties change hands the situation could change.

I reiterate that, despite what has been said in this debate, there has been no formal assessment, and I want to respond to that specifically. I received a document from one of the scientists who had at least a preliminary view about the potential of the uniqueness of this site, Cate Tauss. She wrote —

It must be concluded that, to date, only a preliminary classification of some of the variation present in the native vegetation of the SCP —

That is, the Swan coastal plain —

is available and only a preliminary and very incomplete list of TECs —

Threatened ecological communities —

has been derived from this vegetation classification. Thus it is likely that many vegetation units of high conservation significance on the SCP are yet to be described, assessed for conservation status and protected. In the interim, the rarest and most significant vegetation (that has fallen outside the preliminary assessment above) is likely to be lost to threatening processes (including the chief cause of such loss on the SCP that is urban development).

She went on later to write —

I consider that there are no vegetation units described as FCTs —

Floristic community types —

of the SCP in Gibson et al ... that are comparable to the Jindee vegetation in terms of floristics, structure or habitat. ...The vegetation (and the ecological community if you want to call it that) of the Jindee site is likely to be of high conservation significance and poorly reserved or totally unreserved. There are also flora species there are of known regional significance and possibly of State significance.

It is ultimately a battle or debate between scientific experts on the significance of the area. I think a lot of what we are going through today might have been avoided if the Environmental Protection Authority had actually agreed to allow formal assessment. That would probably have satisfied and allowed that site to be thoroughly investigated. It is always a dilemma, particularly when a site is in private ownership. Hon Sally Talbot mentioned the circumstance with the Underwood Avenue bushland, which is literally just 100 metres from where I live. Margaret Owen, who is a good friend, has been documenting the values of that site over years with photography in particular and is doing an extraordinary job, but she does so at her own risk because to go on the site is trespassing. If people cannot gain access to do the monitoring and assessment because it is in private hands, there is a dilemma. It is then very much in the hands of the Environmental Protection Authority and

Department of Environment and Conservation to allow for a fair process. That is my point. I do not think that this full formal assessment was completed or was allowed for.

The comment was made that the existing area has suffered degradation from vehicles and that this development going ahead would be advantageous because it would stop that damage going on. I actually agree with that, but it is a tragedy that it takes an urban development to create circumstances in which that vehicle of degradation is reduced or stopped. It was one of the ironies of the establishment of the wind farm on the coastal reserve at Albany that it actually did a lot to stop the unregulated four-wheel drives on that bit of coast, which is a bit of coast that I know and love very well.

Hon Robyn McSweeney: Me too.

Hon GIZ WATSON: It was good. As much as I had concerns about the visual impact of wind turbines but ultimately supported them going ahead there, they stopped a lot of the four-wheel drive activity. But that is a rather dodgy argument. What we need to do is to get real about the regulation and, quite honestly, restriction of access to the coastal area for unregulated and hugely damaging trail-bike and four-wheel drive activity. To date, every government and every local council has failed on this matter. There is a situation where it could be said that it would be better for the land to be developed because then at least it could be saved from four-wheel drives. That is out of the frying pan and into the fire. The argument is that by knocking down 80 or 90 per cent of it, we will save it from the four-wheel drives. I am not quite sure that I follow that logic, but I do acknowledge that the coast is heavily impacted by vehicular access, and for coastal areas that is a death by a thousand cuts.

I will conclude my comments there. Again, I thank members for their contributions to this disallowance debate. The Greens will clearly be supporting the disallowance.

Question put and a division taken with the following result —

Ayes (4)

Hon Lynn MacLaren

Hon Giz Watson

Hon Alison Xamon

Hon Robin Chapple (*Teller*)

Noes (30)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Kate Doust

Hon Wendy Duncan
Hon Phil Edman
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
Hon Jock Ferguson
Hon Jon Ford

Hon Philip Gardiner
Hon Nick Goiran
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton

Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.