



Minister for Transport; Planning; Lands

Our Ref: 72-10555
Your Ref: Petition No. 21 (A681332)

Hon Matthew Swinbourn MLC
Chairman
Standing Committee on Environment and Public Affairs
lcco@parliament.wa.gov.au

Dear Mr Swinbourn

PETITION NO. 021 – SHENTON PARK HOSPITAL REDEVELOPMENT

Thank you for your letter of 11 April 2018 regarding Petition No. 021 – Shenton Park Hospital Redevelopment, tabled in the Legislative Council and referred to the Standing Committee on Environment and Public Affairs.

You advise that the Committee is continuing preliminary inquiries and requests my comments in relation to certain issues. I note the petition seeks that all of the remaining native vegetation along the western side of the Shenton Park Hospital Redevelopment Site should be retained and enhanced. I also note the petition challenges the decision making process.

With reference to my letter dated 29 November 2017, I respond as follows:

Context

The Shenton Park Hospital Redevelopment Site (the site) has a total area of 16.93 hectares, and was divided into four precincts for master planning purposes. The Woodland Precinct is the western portion of the site, which has an approximate area of 4.61 hectares and contains approximately 2.3 hectares of native vegetation that is the subject of the petition. The vegetation is within two patches divided by an existing car park, associated landscaping and an existing roadway (Refer to enclosed Shenton Park Hospital Redevelopment Improvement Scheme Area Aerial Photograph).

The Structure Plan for the site provides for three public open space (POS) areas within the Woodland Precinct, with a total area of 2.48 hectares. The Western Australian Planning Commission (WAPC) required the POS areas in the Woodland Precinct be managed and rehabilitated in accordance with the Bushfire Management Plan, Landscape Master Plan and Landscape Management Plan. This requirement is set out in the Structure Plan, and is to be addressed at subdivision and development stage.

Relevantly, neither I nor WAPC has determined any applications within the Woodland Precinct. On 10 April 2018, WAPC resolved to defer its decision on the proposed subdivision of land within the Woodland Precinct (the Stage 2 subdivision) to:

Obtain additional information in regard to the ecological corridor and the original decisions and rationale in the approval of the Improvement Plan 43.

1. How does the Western Australian planning system monitor and consider cumulative effects of individual proposals to clear native vegetation for development?

It is acknowledged that the current system does not include a specific process to monitor the effects of vegetation clearing. The Sub Regional Planning frameworks, Perth and Peel @3.5million is where the planning system in association with the relevant Environmental agencies account for the cumulative impacts of clearing.

I am advised that the preparation of a draft guideline to support the retention of urban tree canopy and vegetation data management is underway. It is being jointly prepared by the Department of Planning, Lands and Heritage and the Western Australian Local Government Association.

2. Could you please provide a list of all planning and other relevant policies that have been applied by the planning process of the Shenton Park Redevelopment Site (the Site) since the beginning of the project in 2014.

- *Environmental Protection and Biodiversity Conservation Act 1999;*
- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Heritage of Western Australia Act 1990;*
- *Environmental Protection Act 1986;*
- *State Planning Policy 2 – Environment and Natural Resources;*
- *State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region;*
- *State Planning Policy 3 – Urban Growth and Settlement;*
- *State Planning Policy 3.1 – Residential Design Codes;*
- *State Planning Policy 3.5 – Historic Heritage Conservation;*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas;*
- *Perth and Peel@3.5 million;*
- *Central Sub-regional Strategy and Framework (Draft and Final);*
- *Capital City Framework (WAPC 2013);*
- *Development Control Policy 1.1 Subdivision of Land – General Principles;*
- *Development Control Policy 2.2 Residential Subdivision;*
- *Development Control Policy 2.3 Public Open Space in Residential Areas;*
- *Draft State Planning Policy 7.1: Liveable Neighbourhoods;*
- *City of Nedlands Greenways Policy (City of Nedlands, 2001);*
- *Western Suburbs Greening Plan prepared by the Western Suburbs Regional Organisation of Councils (WSROC 2002);*
- *Draft Bedbrook Place Biodiversity Local Planning Policy (City of Nedlands, 2011);*

- Natural Areas Management Plan 2013-2018 (City of Nedlands, 2014);
- Draft Bedbrook Biodiversity Local Planning Policy (City of Nedlands, 2011);
- Shenton Bushland Management Plan 2013 – 2018 (City of Nedlands, 2014).

The overall development concept for the site has been progressively modified since 2014, in response to the planning framework, planning assessment, agency referral comments and community consultation.

3. *How does the Western Australian planning process determine which planning policies to prioritise where multiple policies apply to a development site with competing aims?*

State Planning Policy 1 – State Planning Framework (SPP 1) sets out the key principles and provisions that decision makers must have due regard to when making planning decisions. SPP 1 also sets out criteria to guide the appropriate weight or discretion to apply when there is conflict between one provision and another. The decision-making process is informed by the state planning framework and public participation. Each planning proposal should be assessed on its individual merit.

In addition, the *Planning and Development Act 2005* requires all planning proposals to be referred to the relevant state agencies and local government for advice. Such advice and requirements are considered and incorporated into decisions that have to balance a number of objectives and priorities.

4. *Has State Planning Policy 3.7 – Planning in Bushfire Prone Areas been applied in the planning process of the Site? Please provide details.*

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) was released in December 2015. Several Bushfire Management Plans (BMPs) have been prepared, including by Calibre Consulting in July 2015 for the Improvement Scheme and Structure Plan and by Lush Fire and Planning in February 2017 (revised May 2017) for the subdivisions. This element is currently under consideration by the WAPC.

5. *What alternatives to the currently proposed extent of vegetation clearing on the Site have been considered to address bushfire risk management? Please provide details of the decision making process and reasons.*

I understand that managing vegetation and bushfire management has been an important issue from the outset of the project. As mentioned above, a final decision on vegetation retention and bushfire management has not been made.

The Bushfire Management Plan (BMP) (May 2017) defines native vegetation cells and includes managed and unmanaged vegetation, with the intention of maximising vegetation management with public safety and public access for recreation. The May 2017 BMP also addresses the management of public safety of external sites; for example, on Bedbrook Place.

During the Stage 2 subdivision referral, the City of Nedlands submitted an alternative BMP to show how a greater area of vegetation could be retained, while still complying with the bushfire protection criteria. This remains under consideration by the WAPC.

6. How does the development process for the Site intend to address the issue of Banksia Dominated Woodland being listed as a TEC under the EPBC Act? Has this been considered in the planning process? If not, will this be considered before clearing on the Site commences? Please provide details.

I am advised that LandCorp referred the Shenton Park Hospital redevelopment proposal in 2015 to the (then) Department of Environment under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). I am also advised that at the time of the EPBC referral, the Banksia Woodland was not listed as a Threatened Ecological Community (TEC) under the EPBC Act. However, the referral was in relation to the potential clearing of the Banksia Woodland areas in the western part of the site being habitat for the EPBC Act threatened species – specifically Carnaby's Black Cockatoo and Forest Red-tailed Black Cockatoo.

The Department of Environment decided the Shenton Park project was not a controlled action, and did not require approval under the EPBC Act. I am advised the EPBC Act does not require a re-referral following a new TEC listing.

7. Any other relevant information...

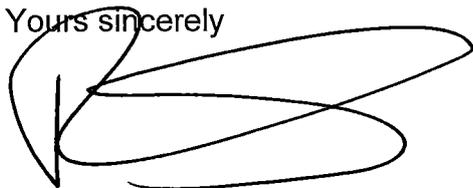
The Shenton Park landholding is zoned urban in the Metropolitan Region Scheme (MRS) setting the framework for development.

Acknowledging this urban zoning, while the improvement scheme may not retain and rehabilitate the full extent of bushland in the Woodland Precinct as requested by the community, the bushland to be retained and rehabilitated is intended to be managed and accessible for residents and the wider community to enjoy. Further, the bushland that is required to be retained by the scheme is intended to allow its linkage function to continue.

I am advised that the WAPC Chairman will shortly be meeting with environmental groups, the City of Nedlands and LandCorp to give further consideration to vegetation and bushfire management for the locality prior to making a decision on the Stage 2 subdivision. To reiterate: the decision on the Stage 2 subdivision will determine the final extent of the vegetation to be retained, and will include a requirement for a Rehabilitation and Management Plan to be prepared and the allocation of an appropriate reserve category for the ongoing conservation of the bushland.

Thank you for raising this with me.

Yours sincerely



**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING; LANDS**

28 JUN 2018