



TP No 2670

Minister for the Environment; Climate Change; Peel

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Our Ref: 1942

Mr Nigel Pratt  
Clerk Assistant (House)  
Legislative Council  
Parliament House  
PERTH WA 6000



Dear Mr Pratt

**STANDING COMMITTEE REPORTS: GOVERNMENT RESPONSE LEGISLATIVE  
COUNCIL STANDING ORDER 337  
STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS: A PETITION  
INTO THE PROPOSED MARINA AT POINT PERON**

I refer to your letter dated 13 December 2006 to the former Minister for the Environment regarding a petition into the proposed marina at Point Peron. As requested, responses to Recommendation numbers 1,5,6,7,8,9,10,11,12 and 13 are provided below. In this letter, the proposed marina is referred to as the Cape Peron Tourist Precinct Project, which I understand is the nominated project title.

In the first instance, the Committee should be aware that the Government has yet to decide about proceeding to develop the Cape Peron Tourist Precinct Project. The purpose of seeking advice from the Environmental Protection Authority (EPA) was to identify the environmental issues and to gather, at an early and strategic level, information on those issues, prior to making a decision to progress to the development of a detailed proposal.

It should also be noted that if the Government decides to proceed with the Cape Peron Tourist Precinct Project and develop a proposal, it will be subject to the requirements of the *Environmental Protection Act 1986* (EP Act) and require referral to the EPA. The EPA provides independent environmental advice to Government including recommendations as to whether or not development may be implemented. The EPA has indicated that if the development proceeds to the next stage, it would be required to undergo a detailed environmental impact assessment and substantial additional investigations would be required to inform the environmental impact assessment process. This is consistent with the requirements of the EP Act in that the EPA may for the purposes of assessing a proposal require:

- the proponent to undertake an environmental review; and
- any person to provide it with such information as the EPA specifies.

**Recommendation 1:**

**The Committee recommends that the Government clarifies whether or not it will give priority to Bush Forever 355, and the CALM draft management plan, which seeks to protect and preserve designated land, or to particular proposals, such as the Point Peron marina canal estate development.**

Bush Forever is administered by the Department for Planning and Infrastructure, therefore the Minister for Planning and Infrastructure should be consulted regarding this recommendation.

Notwithstanding the above advice, the potential loss of part of the Bush Forever site 355 and Rockingham Lakes Regional Park would be considered as part of the EPA's environmental impact assessment if it is decided to proceed with the Cape Peron Tourist Precinct Project and develop a proposal. The EPA's independent advice would then be considered as part of Government's decision as to whether the development should be allowed.

Until the Government has decided whether the Cape Peron Tourist Precinct Project will or will not proceed to a development proposal, and until a full environment impact assessment process has been completed, I am not in a position to clarify the priorities for the portion of Cape Peron subject to the Cape Peron Tourist Precinct Project.

#### **Recommendation 5:**

**The Committee recommends that detailed onsite investigations be undertaken to determine the presence of potential ASS (acid sulphate soils) in the vicinity of Lake Richmond.**

This recommendation is supported should the project proceed to the next stage with development of a detailed proposal. The EPA in its advice on the Cape Peron Tourist Precinct Project under Section 16(e) of the EP Act identified that additional investigations of ASS would be required to inform the environmental impact assessment process.

#### **Recommendation 6:**

**The Committee recommends that adequate separation (buffer) distances be established between the contours of the ASS risk areas should any proposed development adjacent to Lake Richmond be successful.**

This recommendation is supported. If a detailed development proposal proceeds to the next stage, it will be necessary for the proponent to adequately demonstrate a comprehensive knowledge of ASS in the development area as well as in the areas likely to be impacted by construction or ongoing implementation of the development in the longer term. This information, including consideration of proposed management, will determine the likely extent of impacts on which to base adequate separation distances.

#### **Recommendation 7:**

**The Committee recommends that a comprehensive independent study be undertaken to determine the present health of Cockburn Sound and the likely cumulative environmental impacts from the desalination plant, the proposed new island port, and any proposed marina canal estate development.**

The Cockburn Sound Management Council (CSMC) provides independent advice on the health of Cockburn Sound and the EPA has indicated that it will assess the cumulative environmental impacts of development as part of its assessment of any significant proposals in Cockburn Sound. Accordingly, an independent study to determine the present health of Cockburn Sound and the likely cumulative environmental impacts from the desalination plant, the proposed new island port, and any proposed marina canal estate development is not warranted.

The following background information is relevant to this recommendation.



The CSMC was established by the State Government in 2000 to coordinate environmental management and planning for Cockburn Sound. The CSMC has advised that it recognises and has previously raised concerns regarding the cumulative effects of increasing development in Cockburn Sound. It has pointed to the need for proposed developments to consider cumulative effects on the Sound as a whole, taking into account both existing and future developments.

In 2005 the Government released the *State Environmental (Cockburn Sound) Policy 2005* (SEP). The SEP establishes Environmental Values and Objectives for Cockburn Sound and includes associated criteria against which monitoring data are compared to determine whether these values and objectives are being met.

In 2005 the Minister endorsed the CSMC's *Environmental Management Plan for Cockburn Sound and its Catchment 2005* (EMP). This is a five point plan to implement the SEP (2005) and to provide direction for coordinating environmental planning and management for the Sound and its catchment. The five points are to protect the environmental values of Cockburn Sound, facilitate multiple use of the Sound and its foreshore, integrate management of land and marine environments, coordinate research and investigations, and monitor and report on performance. More recently in 2006, Owen Anchorage was added to the CSMC's area of responsibility.

A key role of the CSMC is to coordinate environmental monitoring undertaken in Cockburn Sound to allow for an assessment of the Sound's health to be made. This assessment is described every year in the form of 'Environmental Report Cards'. These are derived from monitoring data collected by the CSMC and other stakeholders throughout the year. The Report Cards are also provided in the CSMC's annual State of Cockburn Sound Report, which is available at <http://csmc.environment.wa.gov.au>.

In 2007 the CSMC is initiating a project to develop an Integrated Multiple Use Framework for Cockburn Sound. The project's aim is to provide for an endorsed integrated approach to the use and development of Cockburn Sound in keeping with the SEP and EMP. A key part of this project will be to coordinate a comprehensive survey of current and future demands, areas and intensities of use. This will underpin a framework for assessing impacts of any proposals or developments. After all parties agree to the framework and its decision rules, there will then be a robust, powerful and sustainable basis for long-term multiple use management of Cockburn Sound.

Notwithstanding the above, the EPA has confirmed it will assess the cumulative environmental impacts of development as part of its assessment of any significant proposals in Cockburn Sound. This includes new port proposals by the Fremantle Port Authority and James Point Pty Ltd, and any marina canal estate development. In relation to the desalination plant, the EPA has been requested to undertake a review of the Ministerial environmental conditions that currently apply. The review will be based upon a reasonable period of monitoring data which will allow the predictions versus actual performance of the desalination plant in relation to environmental impacts to be considered. This review is expected to be undertaken late in 2007.

#### **Recommendation 8:**

**The Committee recommends that a planning study be undertaken for the whole of the Cape Peron area.**

The Western Australian Planning Commission would be responsible for preparing any planning study for the greater Cape Peron area. As such, the Minister for Planning and Infrastructure should be consulted regarding this recommendation.



Nevertheless, a planning study for the greater Cape Peron area would help ensure that planning is undertaken holistically for Cape Peron and the surrounding areas, and that any proposed changes of land use would be appropriate in the context of the adjacent and surrounding areas including their environmental values. There are existing mechanisms for agencies within the Environment portfolio to participate and provide advice on the environmental values in the area to inform a planning study.

#### **Recommendation 9:**

**The Committee recommends that the Government adopts a cautious approach to any 'claims of success' about seagrass rehabilitation in Cockburn Sound at this stage.**

This recommendation is supported.

If the project proceeds to the next stage with definition of a detailed proposal, further investigations into the feasibility of rehabilitation of seagrasses on the scale proposed would be required. It would need to be demonstrated that the transplanted seagrass could become fully functioning habitats.

Additionally, any rehabilitation of seagrasses would be considered as an 'offset' for residual impacts on seagrasses that could not be avoided. Noting that the EPA has indicated that, if the development proceeds, it would be required to undergo a detailed environmental impact assessment, the EPA's Policy, Position and Guidance Statements will be relevant to any future assessment. The EPA's Position Statement No. 9 - Environmental Offsets provides detailed guidance on the EPA's expectation with respect to developing offsets such as a proposed rehabilitation programme for seagrasses and it is expected that the proponent of the development would need to address each of the principles in the Position Statement. Significant investigations, such as site specific trials, would be critical factors in allowing an informed decision to be made on loss of seagrass and the ability for the loss to be offset appropriately.

#### **Recommendation 10:**

**The Committee recommends that the Government regularly monitors water quality in Mangles Bay and Cockburn Sound.**

This recommendation is supported.

The CSMC is responsible for coordinating environmental monitoring undertaken in Cockburn Sound. The Council funds the annual water quality monitoring program for Cockburn Sound, which is undertaken weekly from December to March at 16 sites in the Sound. The CSMC also funds annual seagrass health surveys undertaken in Cockburn Sound. Data from these programs are used to produce the annual Cockburn Sound Report Cards and the annual assessment of the Sound's health.

The CSMC has received funding to allow for continuation of its role and assist in the implementation of the SEP. A significant proportion of the CSMC's budget is used to fund the annual water quality monitoring program, with contributions also made by the Kwinana Industries Council and the Department of Defence.

The CSMC has one site which regularly monitors a wide range of water quality parameters in Mangles Bay and two seagrass sites at Mangles Bay and Southern Flats. The Rockingham Council and Department of Defence also undertake regular bacteriological sampling around the southern beaches and Garden Island. However, it is recognised that while this one comprehensive water quality monitoring site and two seagrass sites assist in providing an understanding of the environmental conditions and water quality of Mangles Bay, additional monitoring of the area would be necessary to assess the potential impacts from a specific

marina proposal. This would form part of the requirements of an environmental impact assessment should a decision be taken for development to proceed, however, it will also be important to allow adequate time for the collection of representative data on which to assess the environmental impacts of the development.

#### **Recommendation 11:**

**The Committee recommends that the Government undertakes detailed hydrogeological investigations to determine adequate separation distances for any proposed development, likely to impact on Lake Richmond.**

This recommendation is supported in relation to the Cape Peron Tourist Precinct Project, should it proceed.

Lake Richmond and its surrounds support two threatened ecological communities, both of which are endorsed by the Minister for the Environment as 'critically endangered', as well as listed as 'endangered' under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The 'Thrombolite Community of Coastal Freshwater Lakes (Lake Richmond)' is only known to occur within Western Australia at this lake. Other microbial communities that are similar in appearance occur in a few other lakes but they are different to this particular 'community' of microbes. The critical habitat of the community is considered to constitute Lake Richmond itself, as well as the catchment for the surface waters, streams and drains, and the groundwater that contributes to the lake waters.

The critical habitat for the 'Sedgelands in Holocene Dune Swales' community is the system of dunes and swales in which they occur, the fresh superficial groundwater that provides water to the swale wetlands, and the catchment for this groundwater.

Hence, detailed hydrogeological investigations are appropriate to determine appropriate separation distances to avoid impacts on these communities and their critical habitat. This would be required as part of the environmental impact assessment to be conducted if the development proceeds.

#### **Recommendation 12:**

**The Committee recommends that the Government ensure that there are no detrimental changes to the water quality in Lake Richmond, in order to preserve the threatened ecological communities, which are dependant upon high water quality.**

This recommendation is supported in relation to the Cape Peron Tourist Precinct Project, should it proceed.

As stated above, the critical habitat for the 'Thrombolite Community of Coastal Freshwater Lakes (Lake Richmond)' includes Lake Richmond itself, as well as the catchment for the surface waters, streams and drains, and the groundwater that contributes to the lake waters. Water quality is likely to be a determinant in the health of the community.

A comprehensive water quality monitoring program to inform a future environmental impact assessment would be appropriate to ensure that there are no detrimental changes to the water quality in Lake Richmond.

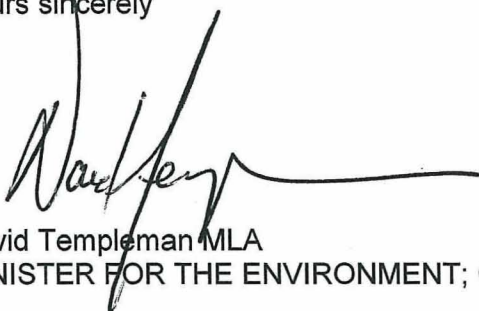


**Recommendation 13:**

**The Committee recommends that the Government initiate and fund further research into the social and economic benefits and constraints with both the Point Peron and Wanliss Street marina and canal development options in consultation with Local Government and the community.**

This recommendation does not pertain to the Environment portfolio as it involves consideration of alternative development options, with particular research into social and economic benefits and constraints. There are however, existing mechanisms for agencies within the Environment portfolio to participate and provide advice on the environmental values in the area to inform such a study if it proceeds. It is suggested that this matter is referred to the Minister for Planning and Infrastructure for response.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'David Templeman', with a long horizontal flourish extending to the right.

David Templeman MLA  
MINISTER FOR THE ENVIRONMENT; CLIMATE CHANGE; PEEL

- 3 MAY 2007