



Hon Albert Jacob MLA
Minister for Environment; Heritage

Your Ref Petition No 64
Our Ref 50-06175

Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Simon
Dear ~~Mr O'Brien~~

Thank you for your letter dated 24 November 2014 regarding a petition that was tabled in the Legislative Council against canal estate developments.

I note that the petition specifically refers to the Mangles Bay Marina Based Tourist Precinct proposal and the proposed Ocean Reef Marina development.

In relation to the Mangles Bay Marina proposal, which contains both marina and canal estate components, the Environmental Protection Authority (EPA) carried out a thorough and detailed assessment of the potential impacts of the proposal and released its Report and Recommendations regarding the proposal in April 2013 (Report 1471). Appeals that were received on the EPA's report were complex and detailed in nature, and addressed a range of environmental matters. I determined the outcome of the appeals on 13 February 2014 and considered that the EPA had appropriately assessed the key environmental factors identified in its assessment. I did require, however, that a number of conditions recommended by the EPA be strengthened to ensure that the marine and terrestrial environment will be adequately monitored and protected

I am confident that, with these additional changes, the environmental outcomes of the proposal have been improved and I therefore issued environmental approval (by way of Ministerial Statement 974). Should the proponents wish to proceed with the implementation of the Mangles Bay Marina proposal then they are required to comply with the strict environmental conditions in Ministerial Statement 974.

From my perspective the environmental impacts of the Mangles Bay Marina Precinct proposal at Rockingham have been adequately considered under the *Environmental Protection Act 1986* (EP Act).

In relation to the Ocean Reef Marina development by the City of Joondalup, I can advise that the EPA is currently assessing the proposal at the level of Public Environmental Review (PER), the highest level of environmental assessment. A PER level of assessment includes consultation and a period of public comment on the proponent's environmental review documentation

At this stage of the assessment, the EPA has prepared an Environmental Scoping Document which sets out the form, content and timing of the environmental review. The next step is for the proponent to prepare an environmental review document in accordance with the scoping document and, subject to the EPA's approval, release it for public comment

In relation to this proposal, you should note that as the proposed development is within my electorate I will not participate in any decision making for the project. Accordingly, I have delegated all my duties and functions under the environmental legislation to the Honourable Minister for Police; Training and Workforce Development, Road Safety; Women's Interests

Once the EPA publishes its report, there will be a two week period in which the proponent for the project and any member of the public can appeal against the report and recommendations. The Minister for Police; Training and Workforce Development; Road Safety, Women's Interests would then consider any appeals before making her decision whether to approve the proposal or remit it to the Authority for a more detailed environmental impact assessment.

In view of the above and while the EPA's assessment is in progress, it is inappropriate for me to comment further on these matters, other than to say that Government will give careful consideration to both the environmental and social issues associated with the proposed Ocean Reef Marina development.

In relation to canal estate developments more generally, the EPA has a statutory responsibility to assess development proposals which, if implemented, may have a significant impact on the environment. A formal assessment by the EPA results in a decision by the Minister for Environment about whether a proposal is to proceed and, if it is to proceed, conditions are issued by the Minister for Environment. It is not intended that formal environmental impact assessment would duplicate other statutory approvals processes.

In the event that the EPA decides to formally assess a canal estate development, the EPA has a suite of policies and guidelines for assessing environmental impacts to marine benthic communities and habitats, marine environmental quality and coastal environments to ensure that canal estates and marinas, where proposed, can meet the EPA's environmental objectives and is environmentally sustainable.

Where a canal estate or marina development is located within, or in close proximity to gazetted marine parks or reserves, then the EPA would consult with the Department of Parks and Wildlife and the Marine Parks and Reserves Authority (MPRA) during its assessment process. The MPRA is the vesting authority for Western Australian marine parks and reserves reserved under the provisions of the *Conservation and Land Management Act 1984*.

In addition, the Western Australian Planning Commission published its Development Control Policy 1.8 (DCP 1.8) *Canal Estates and Artificial Waterway Developments* in May 2012 to establish a consistent and coordinated approach for the assessment of canal estates. This Policy provides a framework for assessing and managing impacts to the marine and coastal environments. The EPA would look to apply the DCP 1.8 where it is relevant and linked to defining the responsibility for the maintenance of marine environmental quality.

In view of the above, I consider that there are sufficient mechanisms and processes in place for the assessment and management of canal estate developments to reduce impacts to the environment, and hence a moratorium on canal estates would not be necessary.

I trust this information is of assistance

Yours sincerely

A handwritten signature in black ink, appearing to read 'Albert Jacob', written in a cursive style.

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

17 DEC 2014