

Date: 9 December 2014

Your Ref: Petition No 64

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Our Ref: 04171B



Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
4 Harvest Tce
WEST PERTH WA 6005



Dear Minister

PETITION NO 64 - CANAL ESTATE DEVELOPMENTS

The City welcomes the opportunity to provide comments on the terms of the above petition and the submission from the principal petitioner.

It is noted that the petition relates "to the construction of the proposed canal estate developments at Point Peron and at Ocean Reef". The City comments refer to the proposed Ocean Reef Marina development to be located at the site of the existing Ocean Reef Boat Harbour.

PROJECT BACKGROUND

The Ocean Reef Marina development site is located on the coast at Ocean Reef and currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the Ocean Reef Sea Sports Club and the Whitfords Volunteer Sea Rescue Group. The site includes City and State owned land and when fully developed the Ocean Reef Marina will cover a land/sea area of approximately 91 hectares.

Developed through an iterative process with input from the community, the concept plan for the development provides expansive marine infrastructure, club facilities, retail and commercial opportunities, community amenities, residential options and tourism opportunities for the fast growing northern metropolitan area (Attachment 1 refers).

Signed in 2012, the Ocean Reef Marina Memorandum of Understanding acknowledges the strategic alliance and shared commitment of the City and the State Government as joint landowners of the site in bringing the Ocean Reef Marina project to fruition.

Through the Memorandum of Understanding the project was identified as a Level 1 project under the State Government's Lead Agency framework and the Department

of Planning was identified as the lead agency to provide advice and support and to assist with negotiations with the relevant approvals agencies.

Negotiations have commenced with the State Government to renew and expand the Memorandum of Understanding to ensure the project progresses in accordance with community expectations.

The City is currently pursuing the development of a Local Structure Plan for the Ocean Reef Marina and the environmental and planning approvals processes have commenced through the State legislative process. The Western Australian Planning Commission has initiated an amendment to the Metropolitan Region Scheme to enable the development and the Environmental Protection Authority has commenced the assessment of the marine related components of the development under section 38 of the *Environmental Protection Act 1986* (via Public Environmental Review).

The environmental assessment will include (but not be limited to) assessment of the following potential impacts raised in the submission accompanying Petition 64: Canal Estate Developments:

- marina flushing
- potential for algal blooms
- longshore sand movement
- coastal vulnerability (including consideration of storm surges) and the potential impacts as a result of climate change
- seagrass wrack
- potential for siltation of entrances and the requirement for maintenance dredging
- loss of seagrass and other marine habitats
- marine fauna.

The planning and environmental assessment processes are being facilitated with the assistance of the Department of Planning. The City is also liaising with the Departments of Transport, Parks & Wildlife, Fisheries and Water, the Office of the Environmental Protection Authority and other decision making authorities to identify and resolve any issues that may arise and to ensure the processes proceed in accordance with the agreed timeframes.

PETITION 64 – CANAL ESTATE DEVELOPMENTS

As stated in Petition 64, the petitioners request the Legislative Council to:

1. *Legislate to ban canal estate development in WA in line with New South Wales and Victoria.*

Comment: *Development Control Policy 1.8 Canal Estates and Artificial Waterway Developments* (Western Australian Planning Commission, 2012) applies general principles and guidelines for marinas and boat harbours. The petitioners' request to ban canal estate development in Western Australia will not have a bearing on the Ocean Reef Marina project as it is not a canal estate based project.

2. *Recommend that the State Government move quickly to ensure marinas are constructed to address any shortfall in boat pens.*

Comment: The Perth Recreational Boating Facility Study (2008) undertaken by the then Department of Planning and Infrastructure detailed historical demand and predicted likely future demand for metropolitan boating facilities. The study estimated that boat ownership would increase from 46,468 in 2007 to approximately 84,857 in 2025.

The delivery of the Ocean Reef Marina project will provide for a necessary increase in supply of boat pens and boat stacking land-area along the Perth metropolitan coastline. The project will be a direct benefit to boat owners and users of marina facilities. The Ocean Reef Marina project will assist the State Government in delivering a long-term supply of boat pens.

The Metropolitan Region Scheme Amendment report, submitted by the City to the Western Australian Planning Commission in April 2014 highlights the current and potential deficiencies in the availability of boat pens and mooring sites for the expanding population of the metropolitan northwest corridor and the City of Joondalup.

Further comments on the individual issues raised by the principal petitioner in the submission are provided in Attachment 2.

Thank you for the opportunity for the City to provide comments on Petition 64: Canal Estate Developments. Please do not hesitate to contact the City should further information or clarification be required.

Yours sincerely

 **GARRY HUNT PSM**
Chief Executive Officer

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| Attachment 1: | Ocean Reef Marina Concept Plan 7.2A |
| Attachment 2: | Comments on the submission |
| Attachment 3: | Environmental Scoping Document – Ocean Reef Marina
(prepared by the Office of the Environmental Protection
Authority, September 2014) |
| Attachment 4: | Ocean Reef Marina Concept Plan - Public Equity |

**ATTACHMENT 2: CITY OF JOONDALUP COMMENTS:
PETITION NO 64 – CANAL ESTATE DEVELOPMENTS**



<i>Petitioner Comments</i>	<i>City of Joondalup Response</i>
<p><i>Clearing of protective coastal vegetation which provides important protection from the impacts of storms and erosion.</i></p>	<p>A Coastal Hazard Risk Management and Adaption Plan is currently being developed for the project in accordance with State Planning Policy 2.6. The Plan will specifically address development heights and setbacks as well as the risk from storm surge and sea level rise. The Plan will also be assessed as part of both the environmental and planning assessments.</p> <p>The design of the marina is based on significant coastal hazard assessment and design mitigation measures to overcome site conditions and perceived constraints.</p> <p>The breakwaters have been designed to provide shelter, prevent erosion and preserve the foreshore reserve, public access, public safety, property and infrastructure.</p>
<p><i>Burden on Local Governments.</i></p>	<p>The life cycle costs of the Ocean Reef Marina development are a key consideration to determining the feasibility and viability of the project.</p> <p>The development's operational costs will be assessed and provisioned in the Business Case currently being developed (in collaboration with the State Government).</p> <p>The project will create an addition to the City's and the State's asset base and it is anticipated that income will be generated through the leased retail and commercial outlets, the sale of urban land, ongoing visitor expenditure, mooring/boat pen rental and parking fees.</p> <p>The Ocean Reef Marina development is in line with the City's Economic Development Strategy and is seen as a key project to support tourism development in the City.</p> <p>The marina will promote a unique market opportunity for coastal living, working and leisure activities as well as offering an attractive node for residential and boutique commercial/retail development. The marina will also provide a key location in the City's tourism portfolio for people to visit friends and relatives, provide additional opportunities for leisure and recreational boating sectors and attract interstate and international tour operators.</p> <p>Employment opportunities will be generated in the retail and commercial sectors, marine support services, tourism and hospitality as well as construction employment for local workers.</p> <p>The opportunities provided by the marina will add significantly to the social and economic framework of the City of Joondalup in particularly and the northwest metropolitan region in general.</p>

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<i>Petitioner Comments</i>	<i>City of Joondalup Response</i>
<i>Negative impacts on marine animals popular with tourists, such as dolphins and Little Penguins (sic).</i>	<p>Potential impacts from the Ocean Reef Marina on marine fauna will be assessed in the PER.</p> <p>Given its location adjacent to the Marmion Marine Park, the marina has the potential to provide additional tourism opportunities as well as the development of marine educational opportunities through collaboration with bodies such as the CSIRO and tertiary institutions.</p>
<i>Climate change and Extreme Weather Events.</i>	<p>A Coastal Hazard Risk Management and Adaption Plan is currently being developed for the project in accordance with State Planning Policy 2.6. The Plan will specifically address development heights and setbacks as well as the risk from storm surge and sea level rise. The Plan will also be assessed as part of both the environmental and planning assessments.</p> <p>The design of the marina is based on significant coastal hazard assessment and design mitigation measures to overcome site conditions and perceived constraints.</p> <p>The breakwaters have been designed to provide shelter, prevent erosion and preserve the foreshore reserve, public access, public safety, property and infrastructure.</p>
<i>Insurance for coastal properties.</i>	<p>As part of coastal hazard risk management and adaptation planning, storm surge and inundation will be taken into account.</p> <p>State Planning Policy 2.6 stipulates that coastal developments should consider the 1-in-500 probability of extreme ocean water levels. The allowance for sea level rise of 0.9m over a 100-year planning timeframe is to be considered.</p> <p>The minimum finished floor level of habitable areas (not part of any marine service facility) is calculated to be +2.96m AHD. It is recommended that all habitable areas of residential and commercial development achieve a finished floor level of +3.00m AHD, to avoid coastal inundation risk from ocean storm surge and climate change. The City as the responsible authority for all development applications and the WAPC as the responsible authority for all subdivisions will be able to ensure compliance with the relevant standard through conditions of approval. The standards will be embedded in the Local Structure Plan and design guidelines for the marina. In this respect the marina development is no different from other development up and down the Western Australian coast.</p>

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<i>Petitioner Comments</i>	<i>City of Joondalup Response</i>
<p><i>Privatisation and commercialism of public land. Loss of public access.</i></p>	<p>The City is a major land owner holding freehold title and seeks to convert the opportunity arising from this land into a regional facility for the widest public audience seeking access and enjoyment of an oceanside amenity.</p> <p>The Ocean Reef Marina site is currently accessed by fishermen and boat clubs; it is not extensively used by the wider community. Demand for beach access in the City had lead to pressure on the remainder of the coast and inappropriate use of the dune system by recreational vehicles. Through the development, the City seeks to make provision for the community to access the coast in a regulated and safe manner.</p> <p>The Ocean Reef Marina concept plan includes open and free beaches, promenades and gardens, civic spaces and meeting places. This increased public realm is supported by income from services and facilities and the sale of some of the City's freehold land.</p> <p>The entire length of the marina waterfront will be accessible to the public and is proposed to be reserved and managed accordingly. This, in effect, will increase rather than diminish the amount of public access to the foreshore in this area (Attachment 4 refers).</p>
<p><i>Noise and dust during construction and regular dredging.</i></p>	<p>Potential impacts on amenity, particularly in regard to the impacts of construction and operation noise and vibration on surrounding residences, will be described and discussed in the PER.</p> <p>The development and implementation of management plans will also ensure that any impacts are mitigated and/or managed appropriately.</p>
<p><i>Possible odour issues from stagnant water.</i></p>	<p>Investigations undertaken by M P Rogers & Associates (<i>Ocean Reef Marina: Concept Plan 7.2 Water Quality Investigations</i>, October 2011) found that the maximum flushing time from any location within the concept plan ranged from approximately 3.5 days (winter neap) to approximately 4 days (winter/spring).</p> <p>Further, accumulations of nutrients within the marina due to groundwater flows were shown to be less than the recommended default ANZECC guidelines for inshore marine waters in south west Australia.</p> <p>Given the above results, it is unlikely that the Ocean Reef Marina will generate odour from stagnant water. However, further modelling of the flushing of the water body and marina water quality investigations will be undertaken with the results of these and early investigations will be assessed as part of the Public Environmental Review (PER) process.</p>

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<i>Sulphite Soil issues are very common with canal estates.</i>	Acid sulphate soils are unlikely to occur in the limestone coastal environment at Ocean Reef. However, as part of detailed site investigations currently being undertaken, the site will be assessed for the presence of acid sulphate soils.
<i>Safety issues, if dredging in Canal Estates is neglected or not carried out properly, it can result in boating accidents. As occurred in the Ocean Reef Marina (sic) (Perth's busiest marina) in October this year. Dredging has not been properly managed.</i>	<p>As managers of the existing Ocean Reef Boat Harbour, the Department of Transport regularly undertakes dredging maintenance to ensure the safety of all users.</p> <p>The City has had discussions with the Department of Transport regarding the management of the water body within the proposed Ocean Reef Marina and future liaise will include the development of management and maintenance plans for the marina.</p> <p>It should be noted that the existing Ocean Reef Boat Harbour is a boat launching facility servicing the northern metropolitan coastal area and under the definitions provided in DC Policy 1.8, is not a marina.</p>
<i>Wind – Perth is arguably the 3rd windiest cities (sic) in the world and the windiest point on the Perth metropolitan coastline is Ocean Reef. It might be a great place for yachts and a marina but it is not a suitably protected location for a housing estate or entertainment precinct?</i>	<p>As is the case with most of the development on Perth's metropolitan coastline, buildings are designed and sited taking into consideration the prevailing weather conditions. The concept plan for the Ocean Reef Marina is cognisant of the weather conditions and further consideration in regard to design and siting will be controlled and monitored through individual development applications.</p> <p>The popularity of coastal housing estates strongly suggests that Perth's prevailing coastal wind is not a deterrent for potential residents. Further, located approximately nine kilometres south of Ocean Reef, Hillarys Boat Harbour (a commercial, retail, boating and tourism precinct) attracts between four to five million visitors per year clearly indicating that Perth's metropolitan coastline is an attractive and sought after tourism and entertainment destination.</p>
<i>The developers and proponents of the MBM and ORM developments appear to be promoting these developments as marinas and tourist precincts, when they are clearly canal housing estates?</i>	<p>The 'developers' of the Ocean Reef Marina are the City and the State Government and not a private commercial entity.</p> <p>Under DC Policy 1.8 a canal estate "means a development or subdivision that adjoins or directly influences an existing or proposed artificial waterway. For planning purposes, any development where the titles to the subdivided lots extend into, abut or are proximate to an artificial waterway shall be deemed to be part of a canal estate unless the WAPC determines otherwise."</p>

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	<p>The Ocean Reef Marina development will expand an existing boat harbour and will not adjoin or directly influence existing or proposed artificial water.</p> <p>The development will create a marina within a boat harbour which will provide safe permanent moorings and other boat related services, which is consistent with the definition of “marina” under DC Policy 1.8.</p> <p>The Ocean Reef Marina concept plan proposes the following amenities to be provided on existing or reclaimed land owned by the City and the State Government:</p> <ul style="list-style-type: none"> • Public open space • Boardwalk / promenade • Amphitheatre • Memorial Park • Retail (including waterfront and festival) • Commercial • Food and beverage outlets (including waterfront) • Two beaches • Water and active play areas • Boat pens/boat stackers and boat ramps • Helipad • Club facilities • Sea Rescue facilities • Marine service commercial • Public car parking • Public transport access • Hotel and short stay accommodation • Residential – single lot and apartment • Cycleways and pedestrian paths • Community buildings (ie museum) <p>The Ocean Reef Marina will provide a sustainable community amenity through the provision of a world class recreation, residential, boating and tourism development.</p>
<p><i>The ORM proposal – At a council meeting in May 2009, the Joondalup Council endorsed Concept Plan 7.1 to go out for public advertising, without proper costing. Concept Plan 7.1 had (predictably) strongly supported by residents and boating clubs. However, subsequently, due to the enormous cost of Concept Plan 7.1, Concept Plan 7.2 was endorsed, which has a somewhat smaller marina and a bigger residential component, but has not been readvertised for public comment.</i></p>	<p>In May 2009, Council endorsed Concept Plan 7 for community consultation. The consultation was the largest undertaken by the City to date. The City received an unprecedented 11,728 completed survey forms. An overwhelming 93% of respondents supported the development of a marina at Ocean Reef with 95.6% of respondents supporting the concept plan as presented.</p> <p>A financial analysis of Concept Plan 7 showed that the project would generate a significant deficit over the course of the development and this was deemed by the City to not only be unviable but also an inappropriate risk. However minor design changes to the concept plan provided a dramatic improvement to the financial outcome of the development.</p> <p>The Ocean Reef Marina concept plan has constantly evolved as a result of specific consultant inputs and detailed expert assessment. The concept plan retains both the design philosophy and the overarching</p>

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	<p>philosophy and parameters supported by Council and the community. With 47 of the 51 components of the original concept plan retained, the development carries the same footprint. Further refinements have been made to the concept plan to maintain an excellent balance of public, residential and commercial amenities with some alterations to optimise land use and yields.</p> <p>The City has maintained a highly visible communications campaign in regard to the Ocean Reef Marina project. A webpage providing up-to-date information on the project and the iterations of the concept plan is maintained and information on the project is regularly disseminated through a variety of media including newspapers and social media.</p> <p>In 2013 the City conducted three community forums to provide an update on the Ocean Reef Marina project. Open to the general public the forums attracted over 600 people with attendees from not only the City of Joondalup but from the wider Perth community.</p> <p>Since the release of Concept Plan 7 in 2009, the City has received thousands of telephone calls, emails and letters from City residents, members of the wider community, commercial and retail interests, special interest groups and boat owners. The overwhelming majority of contact made with the City regarding the Ocean Reef Marina is strongly supportive.</p>