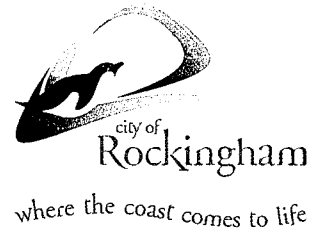


Our Ref: LUP/820-04; D14/140852
Your Ref: Petition No. 64
Enquiries to: Mr Ricci



3rd December 2014

www.rockingham.wa.gov.au

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

Dear Mr O'Brien

Re: Petition No.64 - Canal Estate Developments

I refer to your letter dated the 24th November 2014 inviting the City to comment on the above.

The Petition addresses a number of matters outside the jurisdiction and influence of the City, particularly the claims relating to the environmental consequences of canal developments.

In the case of the proposed 'Mangles Bay Marina', you will be aware that the project has secured approval under the relevant State and Commonwealth environmental legislation where many of the environmental consequences identified in the Petition were investigated and deemed to have been satisfactorily addressed.

The matter to which the City can respond is the 'Burden on Local Government' arising from the ongoing responsibility for public land within the 'Mangles Bay Marina' project area, most notably the management of the waterway. *Development Control Policy 1.8 - Canal Estates and Artificial Waterway Developments* (DC 1.8) requires that the developer and City enter into a Deed of Agreement relating to a number of matters including management of the waterway prior to the land being rezoned.

DC 1.8 also states that the local government will need to be 'satisfied regarding the economic viability of the proposal and its financial capacity to meet ongoing water and canal wall-monitoring and maintenance costs'.

The proponent for the 'Mangles Bay Marina' has provided information that seeks to demonstrate the financial implications associated with the City managing the waterway. From the City's assessment of the proponent's financial modelling, and through research it has undertaken, the City is not prepared to accept waterways management.

Until (and if) the City is satisfied that the management of the marina will not expose the City to inappropriate financial risk, and all the elements of the management are fully understood, it will not enter into the requisite Deed of Agreement. The City has stated its position to the proponent.



Finally, please also find attached a letter from the City to Western Australian Planning Commission which identifies those matters that warrant resolution through the zoning processes under the Metropolitan Region Scheme.

Thank you for the opportunity to comment and should you have any enquiries, please do not hesitate to contact Mr Peter Ricci

Yours faithfully

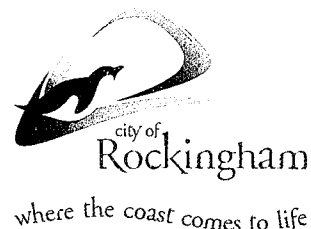
ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER

Our Ref: LUP/827-07 - D13/126260

Your Ref: 809-2-28-17 (RSL/0389/1)

Enquiries to: Mr Tristan Fernandes/Mr Jeff Bradbury

COPY



3rd December 2013

www.rockingham.wa.gov.au

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Attn: Anthony Muscara

Dear Sir/Madam

Re: Proposed MRS Amendment - Mangles Bay Marina Preliminary Comment

I refer to your correspondence dated 18th September 2013 seeking preliminary comment in respect of a proposed Metropolitan Region Scheme (MRS) Amendment to support the Mangles Bay Marina.

It is noted that the proposal has yet to be determined by the Hon. Minister for Environment following the completion of the Public Environmental Review and advice provided to the Minister by the Office of the Environmental Protection Authority.

Notwithstanding the above, the City has now completed a preliminary review of the MRS Amendment documentation and recommends that the following matters be addressed to the satisfaction of the Western Australian Planning Commission prior to the MRS Amendment being initiated: -

1. Sea Level Rise

Insufficient justification has been provided against the policy requirements set under State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) (amended July 2013) to address potential sea level rise.

The policy requirements of SPP2.6 are required to be applied at the earliest appropriate stage of any planning process. In this regard, SPP 2.6 prescribes the preparation and implementation of a Foreshore Management Plan for this scale of development which has not been prepared.

The proposal provides for a foreshore setback of 20m, which is based upon the following assumptions: -

- (i) Constructing a buried seawall and beach renourishment (from the Point Peron sand trap);
- (ii) Stable shoreline with 0m net erosion trend since 1988 and installation of buried sea wall to protect against erosion; and
- (iii) Sea level rise defence – unspecified coastal defensive structures and active beach management.



In the absence of a risk assessment, the required setback outlined by SPP2.6 is 162m.

The measures proposed do not consider the adaptation framework hierarchy outlined in SPP 2.6 and have not identified how development of the proposed 'Urban' zoned land can respond to the adaptation framework but to only implement protective measures against sea level rise.

Also, the information provided does not outline who is responsible to implement works to protect the development to the effects of sea level rise.

2. Waterways Manager

No information is provided regarding any agreement for the future waterways manager for the Mangles Bay Marina. This is not consistent with the requirements of Development Control Policy 1.8 - *Canal Estates and Artificial Waterway Developments*.

3. Zoning

- (i) Without prejudice to the decision of the Minister for Environment for the proposal, the City recommends that the WAPC consider implementing an 'Urban Deferred' zoning in lieu of an 'Urban' zone (as proposed within the Amendment request) in light of the various environmental conditions and monitoring recommended within the PER. An 'Urban Deferred' zoning can provide sufficient certainty for the project whilst permitting any further environmental work being completed prior to any potential development of the site.

Should the WAPC support the implementation of an 'Urban Deferred' zoning, it is the City's request that it be consulted when the WAPC seeks to lift Urban Deferment.

It is the City's view that the feasibility of the marina needs to be guaranteed following the completion any work required through environmental conditions, prior to development commencing. Given the basis of the proposal is to deliver a marina; any associated development of the land based component should be linked to this outcome.

It is also recommended a Deed of Agreement be entered into between the City and the State Government to set the terms for the use of the site for a Marina and tourist based destination.

- (ii) Lot 1786 Hymus Street does not form part of the MRS Amendment and it is recommended that it be considered to be incorporated as part of this Amendment from 'Port Installations' to 'Public Purpose' or 'Special Use' which is consistent with the use of the land. Land abutting the 'Waterways' reservation which is zoned 'Port Installations' is also recommended to be rezoned to 'Parks and Recreation'.

4. Traffic

The Traffic Report does not sufficiently outline the implications of the development to the broader regional and local movement network as the focus of the document relates only to its immediate vicinity.

The City's assessment of the Traffic Report has determined the modelling does not appropriately account for traffic currently using local roads to access Garden Island. The modelling also does not account for growth in employment at HMAS Stirling or further infill development. These factors, combined with the introduction of a marina and tourist based precinct will contribute further to existing congestion to local streets.

Parkin Street and Safety Bay Road are currently performing the role of a regional transport route and it is recommended that the WAPC considers the viability of the Garden Island Highway to be constructed to service the development and traffic accessing Garden Island.

The City is concerned that the section of the 'Other Regional Road' reserve abutting Lake Richmond may not be built in light of the sensitive environmental nature of the land. The implications of not building the Garden Island Highway to the local and regional road network have not been rationalised within the Amendment documentation and this matter is recommended to be carefully considered by the WAPC.

It is also unclear from a regional planning perspective whether key access roads should be considered for reclassification to an 'Other Regional Road' status. This matter should be considered as part of the MRS Amendment as access to Garden Island and the proposed Marina are a linked regional traffic issue. It is recommended this be investigated by the WAPC in consultation with the Department of Transport and the City.

If you wish to discuss the above, please do not hesitate to contact Mr Jeff Bradbury or Mr Tristan Fernandes.

Yours faithfully

COPY

R M JEANS
DIRECTOR, PLANNING
& DEVELOPMENT SERVICES