



**Minister for Planning; Culture & the Arts
Government of Western Australia**



Our Ref: 33-27401
Your Ref: ev.064.141124.let.001.jd (A474052)

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

Dear Mr O'Brien *Simon*

PETITION NO 64 - CANAL ESTATE DEVELOPMENTS

Thank you for your letter of 24 November 2014 requesting comment on Petition No 64 regarding canal estate developments.

The petition refers to both the Ocean Reef Marina and Point Peron (Mangles Bay Marina) proposals as 'canal estates', which are generally characterised as an artificial waterway bordered by residential lots.

The Ocean Reef Marina project does not propose canal type development and its residential component is separated from the marina by a public coastal foreshore reserve. The Mangles Bay Marina project does propose some areas where residential lots back onto the marina component, and thus has some characteristics of a 'canal estate' type development.

Neither proposal contains the extensive system of navigable artificial waterways generally associated with 'canal estate' developments, which have resulted in the undesirable outcomes described in the petitioners' document.

Western Australia currently has a robust planning process for considering development on the coast and there is community demand for marina facilities and for residential property in close proximity to such facilities.

State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) is the Western Australian Planning Commission's highest order policy relating to development in the coastal zone and both projects need to meet its requirements. Matters of ongoing maintenance, consideration of climate change, and maintaining public access to the beach are addressed in SPP 2.6.

Both marina proposals will be subject to coastal hazard risk management and adaption planning to address coastal hazards such as sea level rise over the next 100 years.

Development Control Policy 1.8: - Canal Estates and Other Artificial Waterway Developments provides guidance on planning and design considerations for these types of developments, including for water quality and sediment management, continued public access and ongoing long term (25 year) management and maintenance.

Consideration of environmental factors is a significant part of the planning process and the WAPC is guided by advice from the Environmental Protection Authority (EPA) and Department of Environment Regulation on these matters. Both the State and Federal Ministers of Environment have recently issued environmental approval for the proposed development of Mangles Bay Marina, subject to strict environmental conditions. The Ocean Reef Marina project is currently being formally assessed by the EPA through a Public Environmental Review.

Residential development in marinas can provide significant community benefits such as street activation, economic sustainability, safety (by surveillance of public areas) and a way to finance large scale infrastructure in the public realm. The planning and environmental assessment processes weigh these factors against the existing values of the site.

The WAPC, with advice from the EPA, considers the net overall benefit to the general public and affected local communities resulting from the development of marina based developments with residential development proposed on Crown reserves and Metropolitan Region Scheme (MRS) Parks and Recreation reservations.

Both marina developments require a major amendment to the MRS. The petitioners may submit comments during the statutory consultation period for each of these amendments. In addition, there will be a public submission period for the environmental review for Ocean Reef. The Mangles Bay environmental process has been finalised and environmental conditions have been set. As you would be aware, both MRS amendments will also be considered by Parliament.

It is not considered necessary to ban canal estates in Western Australia given the rigour of the current approval requirements.

I appreciate you raising this matter with me and trust the above information is of assistance to the Committee.

Yours sincerely



JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS

11 DEC 2014