



**Minister for Environment; Disability Services
Deputy Leader of the Legislative Council**

Your Ref Petition No 11
Our Ref 62-03163

Hon Matthew Swinbourn MLC
Chair
Standing Committee on Environment and Public Affairs
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr ~~Swinbourn~~ *Matthew*

Thank you for your letter dated 17 August 2017 requesting comments on the terms of Petition No 11 – Wave Park, Alfred Cove, and the submissions from the principal petitioner and tabling member. The following Information is provided on the terms of the petition.

To date, no development application has been lodged with the Department of Biodiversity, Conservation and Attractions (DBCA). Based on the limited information received to date by DBCA, I am advised that the proposed wave park is to be developed on a portion of Tompkins Park Reserve, Canning Highway in the City of Melville by the Wave Park Group.

The wave park proposal is proposed over part of Lot 9789 and part of the larger Lot 39 Tompkins Park, which is held in freehold title by the City. Lot 9789 is in Crown Reserve 35486, which is reserved for the purpose of Recreation and is the subject of a management order in favour of the City of Melville. This relatively narrow reserve covers the strip of land at the northern end of the subject site and extends to the river's edge, and east – west along the shoreline.

Under the Metropolitan Region Scheme (MRS), Lot 39 is mostly reserved for Parks and Recreation, however a small portion is also reserved as Primary Regional Road for the future possible road widening of Canning Highway. Crown reserve 35486 is reserved Parks and Recreation under the MRS.

Where a subject lot is wholly within the Swan Canning Development Control Area (DCA), approval for development must be obtained in accordance with the *Swan and Canning Rivers Management Act 2006*. The DCA includes the area reserved under clause 12 of the MRS for Waterways and lands adjoining those waters that are reserved as Parks and Recreation. In the case of the land parcels likely to be subject to wave park development, only Crown reserve 35486 is wholly within the DCA.

This means that based on the concepts seen to date, both subject lots are not wholly within the DCA, and therefore the application is to be assessed and determined by the Western Australian Planning Commission (WAPC), or potentially the Metropolitan Central Joint Development Assessment Panel (JDAP), dependant on the financial value of the project. The Swan River Trust will provide binding advice in accordance with Clause 30A of the MRS. If WAPC or JDAP disagrees with the Trust's advice, the application will need to be resolved in the manner determined by myself and the Minister for Planning.

I am advised that DBCA will continue to discuss the proposal with the proponent prior to lodgement to ensure the proponent is aware of the potential impacts of the proposal and how it will be considered by the Trust. In assessing the proposal and providing its advice to WAPC or JDAP, the Trust will consider relevant agreements, policies and guidelines affecting the subject lots, adjacent lots and the regional significance and impacts of the proposed development, both on the natural and socio-economic environments.

Should a development application be lodged, any such proposal could be referred to the Environmental Protection Authority (EPA) for assessment under the *Environment Protection Act 1986*. Any member of the public can refer a proposal to the EPA.

I am advised that the City of Melville has approved a proposal to lease approximately 4.4 hectares of Tompkins Park Reserve to the Wave Park Group to build and operate the wave park facility.

For the proposed ground lease between the City of Melville and Wave Park Group to be exercised, part of Lot 9789 in Reserve 35486 would need to be either transferred freehold to the City of Melville or the Minister for Lands would need to formally permit the land to be subject to a ground lease. It is understood that the lease is proposed to be for 30 years plus two further option periods of 10 years each. The current Management Order for the reserve includes the power to lease for any term not exceeding 21 years. A 30-year lease, as sought by Wave Park Group, would be subject to the consent of the Minister for Lands.

Of relevance is a recommendation contained in the *Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan* that Reserve 35486 be added to the Alfred Cove Nature Reserve. The management plan also recommends that the nature reserve boundaries between areas of grass and native vegetation be amended to better align them with local and State Government management responsibilities.

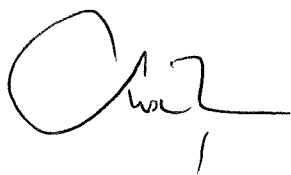
During 2004-2005, the then Department of Conservation and Land Management and the City of Melville reached agreement that only the section of Reserve 35486

between the high water mark and one metre from the river edge of the existing path be added to the Alfred Cove Nature Reserve. This position was subsequently endorsed by the Conservation Commission and agreed to by the previous Government. However, the matter has not progressed while DBCA awaits the creation of a Reserves Bill by the Department of Planning, Lands and Heritage.

The submissions of the principal petitioner are not inconsistent with submissions previously made by the Alfred Cove Action Group to DBCA and me in relation to the proposed lease of Lot 39 and Crown Reserve 35486 by the City of Melville to the Wave Park Group as the proponent of the wave park.

Thank you for bringing this petition to my attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Dawson', with a large initial 'S' and a stylized 'D'.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

08 SEP 2017