

RESERVES (MARMION MARINE PARK) BILL 2019

First Reading

Bill read a first time, on motion by **Mr R.R. Whitby (Parliamentary Secretary)**.

Explanatory memorandum presented by the parliamentary secretary.

Second Reading

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [12.15 pm]: I move —

That the bill be now read a second time.

The Reserves (Marmion Marine Park) Bill 2019 seeks Parliament's approval to excise an area of 143.0667 hectares from Marmion Marine Park, marine reserve 1—a class A marine park of approximately 9 500 hectares—to enable the grant of registerable tenure and to facilitate the expansion of Ocean Reef Boat Harbour, once expanded to be known as the Ocean Reef Marina. The expansion of the Ocean Reef Boat Harbour to a large-scale multi-use marina precinct has been considered for over 30 years. The site has been identified for development in the Western Australian Planning Commission's 2008 "Perth Coastal Planning Strategy" and the Department of Planning's "Perth Recreational Boating Facilities Study 2008". A concept plan of the marina was prepared by the City of Joondalup in 2014, and has received widespread community support. The new Ocean Reef Marina is proposed to provide approximately 12 000 square metres of retail and commercial space, capacity for 565 boat pens and 200 boat stackers, and over 1 000 new homes. The development is being undertaken and managed by LandCorp, on behalf of the state and local governments.

Marmion Marine Park lies offshore from Perth's northern suburbs, between Trigg Island and Burns Beach. The marine park was created under the Conservation and Land Management Act 1984 and was declared on 13 March 1987 as the state's first marine park. The development of the Ocean Reef Marina in Marmion Marine Park is inconsistent with those uses permitted under the "Marmion Marine Park Management Plan". On that basis, an excision is proposed from Marmion Marine Park to ensure that the Ocean Reef Marina is not constructed within the boundaries of Marmion Marine Park.

The environmental impacts of the proposal were considered by the Environmental Protection Authority, which found that the Ocean Reef Marina could be implemented subject to a range of conditions relating to marine habitat, water quality, coastal processes and commercial and recreational abalone fishing. Four appeals were received against the Environmental Protection Authority's report, and although the Minister for Environment considered that the authority's assessment was justified and appropriate, he made a number of changes to the conditions to clarify intent and improve environmental outcomes. The proposal was approved for implementation by ministerial statement 1107, which was published on 7 August 2019, and final notice to decision-making authorities was given under section 45(7) of the Environmental Protection Act 1986 on 7 August 2019.

Section 13(4AA) of the Conservation and Land Management Act 1984 requires that a marine park remains reserved for that purpose until it is amended either by an act of Parliament or pursuant to section 13AA of the act. The excision of approximately 143 hectares from Marmion Marine Park for the development of the Ocean Reef Marina does not fall within the category of excision referred to in section 13AA and, therefore, an act of Parliament is required. To facilitate the development of the Ocean Reef Marina, it will be necessary to excise the development area from Marmion Marine Park. The effect of doing this is portrayed graphically within schedule 1 of the bill. The area proposed for excision is technically described as lot 500 on deposited plan 415585. This bill will enable the excision from Marmion Marine Park. Once excised, a new reserve can be created over the excised area under powers from part 4 of the Land Administration Act 1997. The new reserve creation action has not been included in the Reserves (Marmion Marine Park) Bill 2019.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.A. Katsambanis**.