

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Our Ref 14-794694
Enquiries Liesl Rohl
Phone 6145 0858

ATTENTION: Mr Anthony Muscara

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME AMENDMENT TITLE: Metropolitan Region Scheme Amendment 1270/41
- Ocean Reef Marina Redevelopment
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Scheme Amendment Not Assessed – Advice Given
(no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached Statement of Reasons and Public Advice.

For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment.

There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.

A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Darren Foster
Director
Strategic Policy and Planning Division

9 June 2014

Att

**METROPOLITAN REGION SCHEME AMENDMENT NO. 1270/41
OCEAN REEF MARINA REDEVELOPMENT**

STATEMENT OF REASONS AND PUBLIC ADVICE

Background

On 9 May 2014, the Western Australian Planning Commission (WAPC) referred Metropolitan Region Scheme (MRS) Amendment 1270/41 Ocean Reef Marina Redevelopment to the Environmental Protection Authority (EPA). The EPA received the referral on 12 May 2014. The EPA has determined that the Amendment does not require assessment under Division 3 Part IV of the Environmental Protection Act 1986 (the EP Act) for the reasons set out below.

In making this determination, the EPA also formed the view that sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation, operation and management of the marine infrastructure components associated with the scheme amendment. Accordingly, the EPA advises that all environmental impacts associated with the implementation, operation and management of the marine infrastructure components were not assessed as part of the EPA's determination not to assess MRS Amendment 1270/41.

On 26 May 2014, the City of Joondalup referred the marine based components of the Ocean Reef Marina Redevelopment to the EPA as a significant proposal under section 38 of the EP Act. Concurrent with its decision not to assess MRS Amendment 1270/41, the EPA has determined to assess the marine based components of the Ocean Reef Marina Redevelopment under Division 2 Part IV of the EP Act at the level of Public Environment Review.

MRS Amendment 1270/41 Ocean Reef Marina Redevelopment

The purpose of MRS Amendment 1270/41, as described in the referral, is to rationalize various zones and reserves in the MRS to facilitate the redevelopment of the existing Ocean Reef Marina Boat Harbour.

The redeveloped marina would accommodate approximately 750 boat pens, various water related land uses, short-term accommodation, and freehold residential and commercial land uses.

The site is located on the coastal foreshore within the City of Joondalup, approximately 24 kilometres (km) northwest of the Perth central business district and 9 km north of Hillarys Boat Harbour.

The site is located within Bush Forever site 325 which contains regionally significant values and is part of an ecological linkage that extends from Hillarys (Urn Park) to Burns Beach.

Environmental Factors and Objectives

Flora and Vegetation

The EPA's objective for Flora and Vegetation is to maintain representation, diversity, viability and ecological function at the species, population and community level.

Development consistent with MRS Amendment 1270/41 is within Bush Forever site 325. The footprint will directly impact approximately 27.5 hectares of the Bush Forever site. Of this, about 8 hectares is degraded or completely degraded of native

vegetation due to the existing marina and associated infrastructure. Development consistent with MRS Amendment 1270/41 will impact on about 19.5 hectares of native vegetation to be cleared and has the potential to indirectly impact other parts of Bush Forever site 325 through weed invasion, hydrological changes and increased pressure from human access.

To compensate for these potential impacts, the City of Joondalup has identified a number of locations which may be suitable for rehabilitation and addition to the conservation estate, either in isolation or combination.

The EPA is advised that the potential sites will be assessed against the criteria outlined in *State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region* (SPP 2.8). These include that the sites:

- provide better condition/less disturbance compared with the portion of Bush Forever site 325 to be impacted;
- contain vegetation communities as similar as possible to the impacted site;
- have an improved area to perimeter ratio than the impacted site;
- contain conservation significant species and communities of similar value and priority for protection;
- are contiguous with an existing conservation area; and
- enhance biological corridors or ecological linkages between conservation areas.

The EPA is also advised that the WAPC will require that a Negotiated Planning Outcome that secures an appropriate conservation outcome be agreed between the Department of Planning, Department of Parks and Wildlife and the Office of the Environmental Protection Authority before final approval of MRS Amendment 1270/41 is given. The EPA is satisfied that this process will ensure that the EPA's objective for this factor will be met.

Terrestrial Fauna

The EPA's objective for Terrestrial Fauna is to maintain representation, diversity, viability and ecological function at the species, population and assemblage level.

Development consistent with MRS Amendment 1270/41 is likely to impact Terrestrial Fauna through the removal of habitat. Surveys of the site have observed six species stated as significant fauna in Bush Forever 2000. These species were the White-winged Fairy-wren, Brown Goshawk, Little Eagle, White-browed Scrubwren, New Holland Honeyeater and White-cheeked Honeyeater. Surveys also indicated that the site may have a high diversity of reptiles.

A further 22 species of conservation significance as listed in Bush Forever 2000 are inferred as occurring in the habitat from historical observational data and WA Museum specimens.

In addition, the area is likely to provide feeding habitat for Carnaby's Black Cockatoo (Schedule 1 Wildlife Conservation Act 1950) and Peregrine Falcon (Schedule 2 Wildlife Conservation Act 1950), as well as feeding and breeding habitat for the Rainbow Bee-eater (Schedule 3 Wildlife Conservation Act 1950).

As noted above, to compensate for these potential impacts, the City of Joondalup has identified a number of locations which may be suitable for rehabilitation and addition to the conservation estate, either in isolation or combination. The WAPC will require that a Negotiated Planning Outcome that secures an appropriate conservation outcome be agreed between the Department of Planning, Department of Parks and Wildlife and

the Office of the Environmental Protection Authority before final approval of MRS Amendment 1270/41 is given.

The EPA is satisfied that this process will ensure that the EPA's objective for this factor will be met.

Environmental factors associated with the marine infrastructure components

As noted above, the EPA has formed the view that sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation, operation and management of the marine infrastructure components associated with the scheme amendment. Accordingly, the EPA advises that all environmental impacts associated with the implementation, operation and management of the marine infrastructure components were not assessed as part of the EPA's determination not to assess MRS Amendment 1270/41. The EPA has determined to assess these environmental impacts under Division 2 Part IV of the EP Act at the level of Public Environmental Review.

EPA Determination

The EPA has determined that MRS Amendment 1270/41 does not require assessment because it is satisfied that the impact development consistent with the Amendment would have on Flora and Vegetation and Terrestrial Fauna, specifically the impact on Bush Forever site 325, will be adequately compensated by the rehabilitation and addition to the conservation estate of suitable site/s under a Negotiated Planning Outcome.

In making this determination, the EPA also formed the view that sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation, operation and management of the marine infrastructure components associated with the scheme amendment. Accordingly, the EPA advises that all environmental impacts associated with the implementation, operation and management of the marine infrastructure components were not assessed as part of the EPA's determination not to assess MRS Amendment 1270/41. The EPA has determined to assess these environmental impacts under Division 2 Part IV of the EP Act at the level of Public Environmental Review.