

LEGISLATIVE COUNCIL

C464

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Thursday, 23 April 2015

Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment.

- (1) Is the Minister aware of Murdoch University research, revealed by Dr Belinda Cannell on the ABC 730 WA program "Saving the Penguins" that has raised serious concerns regarding the decline in WA's Penguin Island Little Penguin breeding population, which has dropped by almost 40% since 2007?
- (2) Is the Minister aware that the Mangles Bay Development is recognised as one of four developments in Australia that currently threaten the Little Penguin?
- (3) Is the Minister aware that Dr Belinda Cannell in a letter co-signed by 26 other scientists and conservationists, has recently advised the Federal Environment Minister that "the Mangles Bay Marina will have a likely impact on the viability of the Garden Island colony through dredging, removal of sea grass, potential impacts on fish abundance and increased risk of propeller strike"?
- (4) Can the Minister provide details on how the habitat for the Garden Island penguins and Penguin Island penguins will be maintained and protected throughout the construction and after the development of the proposed Mangles Bay Marina?

I thank the Hon. Member for some notice of this question.

The Minister for Environment has provided the following response.

- (1) The statistic regarding a population decline of 40 per cent since 2007 was not raised either during the Environmental Protection Authority (EPA) assessment of the proposal or the Office of the Appeals Convenor consideration of appeals. I note that Dr Cannell was involved in providing expert advice to the proponent for the Public Environmental Review document and she also provided additional advice during the appeals process. While this is new information, the EPA considered the potential impacts of the development on little penguin populations and concluded that the proposal would be unlikely to have a significant impact provided that the recommended conditions to manage and mitigate impacts were imposed.
- (2) I am advised that the other three developments that you refer to are located within South Australia and Victoria. Under the *Environmental Protection Act 1986* I am only able to consider proposals that impact upon Western Australia. Impacts to Matters of National Environmental Significance are the responsibility of the Commonwealth Government under the *Environment Protection and Biodiversity Conservation Act 1999*.

(3) While Dr Cannell did not send a copy of the letter mentioned by the Hon Lyn McLaren to me, I note the issues you have raised in your question were all considered and assessed by the EPA and considered by the Office of the Appeals Convenor prior to my issuing Ministerial Statement 974.

(4) After considering the appeals raised regarding little penguins, I required that a number of conditions were imposed on the proponent to minimise these impacts. These included requiring:

- marine fauna observers during dredging;
- the dredging to take place between April and September to minimise impacts on the spawning of little penguin prey species; and
- the proponent to replant twice the amount of seagrass lost as a result of the proposal within 10 years of the commencement of marine related construction.

I also note that the proponent will stage the dredging required to minimise the impacts to the abundance of the prey species available during the little penguin's critical egg laying period.

In addition, the habitat for the Penguin Island population of little penguins is currently being improved through a range of initiatives supported by the Department of Parks and Wildlife. These initiatives include:

- removal from Penguin Island of feral predators that prey upon little penguin chicks;
- limiting vegetation disturbance and the extent of weed infestations on Penguin Island;
- studying and trialling new artificial nesting habitats to augment natural nest burrows;
- supporting studies to further understanding the feeding habits of breeding adults and the status of baitfish populations;
- enforcing boat speed restrictions in the vicinity of important little penguin feeding locations; and
- closing Penguin Island to visitors during the peak breeding period, and using temporary beach closures during periods of high ambient temperatures to permit undisturbed access to the ocean for the penguins.