

# minutes

MEETING HELD ON **MONDAY 29 AUGUST 2016**

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# CITY OF JOONDALUP

**SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 29 AUGUST 2016.**

## **DECLARATION OF OPENING**

In accordance with Regulations 8 (e) of the *Local Government (Administration) Regulations 1996*, as there was no quorum established within 30 minutes after the Special Council meeting was due to commence, the Chief Executive Officer adjourned the Special Council Meeting until 7.40pm, with the following persons being present.

### **Officers:**

MR GARRY HUNT	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MR BRAD SILLENCE	Manager Governance
MR JOHN BYRNE	Governance Coordinator

The Deputy Mayor declared the meeting reconvened at 7.40pm.

## **ANNOUNCEMENT OF VISITORS**

Nil.

### **Councillors:**

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward – <i>Deputy Mayor</i>
CR PHILIPPA TAYLOR	North Central Ward
CR NIGE JONES	North Central Ward
CR RUSSELL POLIWKA	Central Ward
CR CHRISTINE HAMILTON-PRIME	South-West Ward
CR MIKE NORMAN	South-West Ward
CR JOHN CHESTER	South-East Ward
CR JOHN LOGAN	South-East Ward
CR RUSS FISHWICK, JP	South Ward

### **Officers:**

MR GARRY HUNT	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer

There were no members of the public or press in attendance.

## **DECLARATIONS OF INTEREST**

Nil.

## **PUBLIC QUESTION TIME**

Nil.

## **PUBLIC STATEMENT TIME**

Nil.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Apologies**

Mayor Troy Pickard.  
Cr Sophie Dwyer.  
Cr Philippa Taylor.

### **Leave of Absence previously approved**

Cr Liam Gobbert	29 August to 4 October 2016 inclusive;
Cr Sophie Dwyer	11 September to 16 September 2016 inclusive;
Cr Sophie Dwyer	20 September to 24 September 2016 inclusive;
Cr Sophie Dwyer	6 November to 11 November 2016 inclusive.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil.

**REPORTS****JSC02-08/16 OCEAN REEF MARINA: PUBLIC ENVIRONMENTAL REVIEW**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENT</b>	Attachment 1 Indicative Approvals Timeline (as at June 2016) Attachment 2 Studies/investigations undertaken for Public Environmental Review Attachment 3 Public Environmental Review Fact Sheet Attachment 4 Ocean Reef Marina Footprint and Development Envelope
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For the Major Projects Committee to note the Chief Executive Officer's intent to resubmit the amended draft *Public Environmental Review* to the Environmental Protection Authority.

**GLOSSARY**

DoP	Department of Planning
EP Act	<i>Environmental Protection Act 1986</i>
EPA	Environmental Protection Authority
ESD	Environmental Scoping Document
MRS	Metropolitan Region Scheme
OEPA	Office of the Environmental Protection Authority
PER	Public Environmental Review
WAPC	Western Australian Planning Commission

**EXECUTIVE SUMMARY**

In May 2016 the City submitted the draft *Public Environmental Review* (PER) document, together with the relevant technical reports and management plans, to the Office of the Environmental Protection Authority (OEPA) for preliminary assessment. The primary objective of this assessment is to ensure that the environmental assessment requirements have been adequately addressed.

Following receipt of the comments on the draft PER, the document itself, the technical reports and management plans have been amended and updated to address the issues raised.

This report outlines the PER assessment process, the content and structure of the PER document, the key environmental impacts of the Ocean Reef Marina and the management measures to be implemented to minimise and mitigate these impacts.

It is considered that the amended PER and accompanying documentation adequately address the environmental assessment requirements.

At its meeting held on 1 August 2016 it was agreed amongst other things, that the Major Projects Committee:

*“NOTES that a report will be presented to Council seeking approval for the resubmission of the draft Public Environmental Review to the Office of the Environmental Protection Authority.”*

*It is therefore recommended that Council NOTES the Chief Executive Officer’s intent to resubmit the amended draft Public Environmental Review and supporting documentation to the Environmental Protection Authority for its approval to advertise.*

## **BACKGROUND**

At its meeting held on 12 December 2012 it was agreed that Council, amongst other things:

*“1 ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment;”*

The City subsequently submitted a request to the Western Australian Planning Commission (WAPC) for an amendment to the Metropolitan Region Scheme (MRS) boundary to enable the development of the Ocean Reef Marina. Following consideration of feedback on the request from the relevant decision making agencies, a revised MRS amendment request was resubmitted in April 2014. At the meeting held on 22 April 2014, the WAPC resolved to initiate the MRS amendment and the assessment process commenced in accordance with statutory process.

A core component of the MRS initiation and assessment process is environmental assessment of the project under the *Environmental Protection Act 1986* (EP Act). While the City requested an environmental assessment under Section 48A of the EP Act, following discussion and liaison with the OEPA and the Department of Planning (DoP), it was confirmed that a different approach was necessary.

The OEPA and the DoP indicated the preferred method for environmental assessment would see the marine-based components assessed via section 38 of the EP Act with the land-based components addressed through the planning process (that is the MRS amendment process).

In May 2014 the City subsequently referred the marine-based components of the project to the Environmental Protection Authority (EPA) in accordance with the above. The referral documentation included a project description supported by detailed information on the marine environment.

In June 2014 the EPA made the following determinations with regard to the MRS amendment and environmental referrals:

MRS amendment (1270/41) – Ocean Reef Marina Redevelopment

*Scheme Amendment Not Assessed – Advice Given (no appeals).*

Section 38 Referral (14-820888) – Ocean Reef Marina, Ocean Reef, City of Joondalup

Assess: *Public Environmental Review*  
PER Public Review Period: *8 weeks*

In accordance with the Ocean Reef Marina Indicative Approvals Timeline (Attachment 1 refers), the PER assessment process and timeline is broadly outlined as follows:

Proposed referred to the EPA	April 2014	Completed
Seven day public comment period	June 2014	Completed
EPA assessment determination (PER)	June 2014	Completed
Preparation and agreement of ESD	Sept 2015	Completed
Completion of baseline environmental reports	Oct 2015	Completed
Assess impacts of modelled impacts	March 2016	Completed
Preparation of management plans	March 2016	Completed
Submission to the City of draft PER document	April 2016	Completed
Finalisation of draft PER document	May 2016	Completed
Submission to the OEPA of draft PER document (first review)	May 2016	Completed
Finalisation and resubmission of PER	August 2016	
OEPA review of final PER	August 2016	
Public advertising (public submissions) – eight weeks	Sept 2016	
Review and response to public submissions	Feb 2017	
OEPA assessment of proposal for consideration by EPA	March 2017	
Preparation and finalisation of EPA assessment report	May 2017	
Appeals period (two weeks) and determination of appeals	July 2017	
Ministerial statement	August 2017	

In deciding to assess the proposal via a PER the EPA identified the following key environmental factors:

- Marine environmental quality.
- Benthic Communities & Habitat (flora and fauna of the sea floor).
- Coastal processes.
- Marine fauna
- Integrating Factors – offsets/other.

An Environmental Scoping Document (ESD), agreed between the City and the EPA, provided guidance on what information must be provided in the PER document and outlined the investigations/studies required to address the key environmental factors. Details of the studies/ investigations undertaken for the PER are outlined in Attachment 2.

Following agreement of the ESD, the City commenced the studies/investigations required to address the key environmental factors identified by the EPA. Following completion of the studies/investigations, the draft PER was prepared and in May 2016 the document accompanied by the technical reports was submitted to the OEPA for preliminary assessment.

The ESD also indicated that certain studies required an independent peer review. The peer review of these studies was undertaken by eminent marine scientist Dr Doug Treloar. Dr Treloar's reviews and formal acceptance of the studies are included in the PER.

The OEPA forwarded the draft PER to the DoP, Department of Parks and Wildlife, Department of Transport and Department of Fisheries as well as officers within the OEPA for comment on whether the requirements of the ESD had been met. A summary of the comments received are provided later in this report. Most comments relate to clarification of technical matters or requests for additional detail in the PER and supporting documents. No major gaps were identified.

## **DETAILS**

### **Public Environmental Review Assessment**

The marine-based components of the Ocean Reef Marina development are being formally assessed under section 38 of the EP Act via a PER process. The EPA approved PER documentation will be advertised for public submissions for a period of eight weeks. At the conclusion of the advertising period, the City will respond to the submissions and provide any additional information that may be required.

Using all the information provided, including the public submissions, the EPA will undertake the assessment and report to the Minister with a recommendation regarding whether the project should be approved and what the recommended conditions should be. Ordinarily this is the Minister for the Environment; however the current Minister, Hon. Albert Jacob MLA (Member of Ocean Reef), has designated responsibility for the assessment of this project to Hon. Liza Harvey MLA to avoid any perceived conflict of interest as the project lies within his electorate.

Minister Harvey will seek further advice from other decision making authorities on whether or not, and in what manner, the proposal may be implemented prior to issuing formal approval for the proposal. Detailed information on the PER process is provided in Attachment 3.

### **Public Environmental Review Documentation**

The PER presents an environmental review of the Ocean Reef Marina, including a detailed description of the key components, environmental impacts and proposed environmental management measures for the relevant environmental factors identified by the ESD.

The document describes the specific studies and investigations conducted by the City in relation to the preliminary key environmental factors identified in the ESD, as well as those identified through consultation and screening processes. The objectives of the PER are to:



- ensure that the full environmental effects of the Ocean Reef Marina are properly understood
- inform mitigation and optimal management controls
- enable a reliable and knowledge-based environmental impact assessment to be conducted.

The PER does not include an assessment of the terrestrial components of the Ocean Reef Marina development except where impacts from land-based development have the potential to significantly impact on the marine environment. The terrestrial components of the development are being progressed through the MRS Amendment and Ocean Reef Marina Structure Plan.

In accordance with the regulatory requirements the PER documents contain the following information:

- A description of the Ocean Reef Marina and alternatives considered, including alternative locations with a view to minimising environmental impacts.
- Details of stakeholder consultation.
- A description of the environmental studies and survey effort undertaken. Copies of the relevant technical study reports referenced in the PER are provided as appendices.
- A description of the receiving environment likely to be adversely affected by the Ocean Reef Marina, its conservation values and key ecosystem processes as well as discussion of their significance in a regional environmental and social setting.
- Discussion and analysis of the direct and indirect impacts of the Ocean Reef Marina in both a local and regional context.
- An assessment of the impacts of the Ocean Reef Marina with respect to the key environmental factors.
- Identification of offsets (where appropriate) after all other steps in the mitigation sequence have been exhausted.
- Management measures to mitigate significant adverse impacts with the relevant management plans provided as appendices.
- Demonstration that the Ocean Reef Marina conforms to relevant environmental policies, guidelines, standards and procedures.
- Construction and operation management plans.
- Spatial datasets, information products and databases are provided as appendices.

### **Key Environmental Aspects, Impacts, Management and Mitigation:**

As identified in the ESD, the key environmental aspects to be addressed in the PER are as follows:

#### Marine environmental quality:

There is the potential for the marine environmental quality to be affected from both construction and ongoing operation of the marina.

The EPA objective for marine environmental quality is to maintain the quality of water, sediment and marine organisms so that the ecological and social environmental values are protected.

To enable the potential impacts to be predicted, existing background marine environmental quality, water quality, sediment and groundwater quality investigations were undertaken. The results of these investigations and other relevant background datasets were used to develop a model to predict the construction and operational impacts on water quality both within and outside the marina.

The construction related impacts are the mobilisation of sediment into the water during the construction of the breakwaters, the removal of the existing breakwaters and dredging. The potential marine impacts associated with suspended sediment are shading and/or smothering of the seafloor.

The operation related impacts are the rate of flushing in the new marina which controls the accumulation of nutrients which could result in an increase of algal growth. The potential effects of marina water on the outside water quality were also modelled.

The impact model indicated that the majority of the construction related impacts would be within the "development envelope" which extends approximately 100 metres from the new breakwaters (Attachment 4 refers). It is important to note that some cloudy water may be visible outside of this zone but only for very short periods with no expected effect on the marine environment.

Potential impacts include:

- creation of a visible cloud in the water which contains silt and sediment which may temporarily affect water quality and the marine environment
- silt and sediment being deposited on the sea floor impacting on any sensitive marine flora and fauna such as seagrass.

The investigations indicated that the sediment to be dredged meets appropriate standards and/or guidelines and is unlikely to discharge contaminants into the water during construction and dredging.

The majority of the silt and sediment deposited on the sea floor will occur during the construction of the breakwaters. Once the breakwaters are constructed, silt curtains will be installed to trap the silt and sediment resulting from dredging and other construction.

It is expected that there will be only a limited increase in the amount of silt and sediment in the water during construction which would result in the visible cloud. Part of the construction method will be to monitor and manage the impact of the sediment cloud, particularly during breakwater construction. The water quality modelling indicated that the sediment cloud will be below acceptable levels and not result in a significant environmental impact outside of the development envelope.

The water quality model indicated that the new marina would flush at a rate similar to Hillarys Boat Harbour. The flushing rate will dilute any nutrients and contaminants in the water limiting the growth of algae. The model predicted that the potential for algal growth within the marina was only slightly higher than that already present for Perth coastal waters. Potential climate change scenarios were also modelled and it was shown that the new marina would still flush adequately.

The monitoring and management measures proposed for marine environmental quality include:

- the marina has been designed to minimise the impacts to water quality
- construction of the outer breakwaters first to provide protection and containment of silt and sediment from the rest of construction
- use of silt curtain(s) during dredging
- the marina has been designed to flush effectively
- restrict potentially contaminating boating activities within the marina
- comprehensive water quality monitoring program during construction and operation.

After the application of the above management measures it is considered that the EPA objective for marine environmental quality is expected to be met.

#### Benthic (sea floor) Communities and Habitat:

Sea floor habitats such as reef, macroalgae, seagrass and sand provide an important foundation for many ecosystem processes that underpin marine ecology.

The EPA objective for sea floor habitat is to maintain the structure, function, diversity, distribution and viability of the sea floor habitat and communities at local and regional scales.

A detailed and extensive survey was undertaken to accurately map the sea floor habitat and communities within the potential impact area and more broadly within the whole Marmion Marine Park. The survey area also extended north of the Marmion Marine Park to provide context to the habitats described within the Marmion Marine Park.

The survey describes approximately 9,493 hectares of benthic habitat types – mobile sand, macroalgae (including reef) and perennial seagrass. The most significant habitat within the potential impact area is the near-shore macroalgae habitat as this supports a proportion of the Roe's abalone (*Haliotis roei*) fishery.

Using the results of the marine environmental quality investigations, the potential impacts to benthic communities and habitat were identified and described in detail.

The marina footprint (direct and indirect impacts) will result in a total loss of 47.58 hectares of sea floor habitat (from a total of 9,493 hectares); however the predicted loss is contained within the development envelope (Attachment 4 refers).

The predicted changes in marine environmental quality during construction and operation of the marina are not expected to cause any impact on the sea floor habitat beyond the development envelope. The predicted loss of habitat is within the EPA environmental assessment guidelines of no more than 1% cumulative loss for an area of high conservation value.<sup>1</sup>

The development is expected to result in a direct loss of 12.54 hectares of abalone habitat. In addition changes to water and sediment flows are likely to affect abalone habitat. The abalone population within 500 metres north of the Ocean Reef Marina footprint may also be affected by the potential reduction in current speed. It is predicted that this could result in the loss of a further 5.4 hectares of abalone habitat. Beyond 500 metres, significant impact on abalone is considered unlikely.

<sup>1</sup> Environmental Protection Authority 2009, *Environmental Assessment Guidelines No. 3 – Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment*, Environmental Assessment Guideline No. 3, Perth, Western Australia.

The Ocean Reef Marina will result in an increased number of boats traversing the Marmion Marine Park; however, this is inevitable with or without the new marina due to population growth in the northern metropolitan area and increased levels of boat ownership in the region. No significant change to the risks associated with boating in relation to potential impacts on benthic habitat is expected.

Monitoring and management measures for benthic communities and habitat include:

- use of silt curtains during dredging and reclamation
- construction of the breakwater prior to commencement of dredging in order to contain sediment during dredging
- monitoring to verify that water quality impacts of the construction process are as predicted and to adaptively manage construction if different, or worse, water quality effects occur
- monitoring of adjacent seagrass health and abalone habitats throughout the construction period to ensure that no unexpected effects are occurring
- monitoring of seagrass health
- abalone monitoring program (including algal cover) to verify predicted impact zone and determine whether additional offsets are required.

After the application of mitigation and management measures, the EPA objective for benthic communities and habitat is expected to be met.

#### Coastal Processes:

Coastal processes are the natural wind, wave and water level forces on the shoreline and how these impact the shoreline and nearshore area, resulting in changes (accretion/erosion) to sandy coastlines and weathering of rocky shorelines.

The EPA objective for coastal process is to maintain the structure of the subtidal, intertidal and supratidal zones<sup>2</sup> and the local geophysical processes that shape them.

The Ocean Reef Marina has the potential to alter wave dynamics and interrupt longshore sediment transport, trap sediment (which can affect benthic habitat), algae and seagrass wrack<sup>3</sup> (both inside and adjacent to the marina) as well as interrupt wrack movement, accumulation and breakdown.

It is beneficial to this assessment that the existing Ocean Reef Boat Harbour already influences all of these existing processes. The existing boat harbour can be viewed as a physical trial of what impacts the proposed Ocean Reef Marina may have.

Modelling of the changes to coastal processes was undertaken to determine the effect of the Ocean Reef Marina on the local current regime, wave dynamics, sediment transport and wrack transport.

The modelling concluded that the construction of the Ocean Reef Marina is likely to result in the following:

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<sup>2</sup> Subtidal – continuously submerged area; intertidal – between the high-tide and low-tide marks; above the level of high tide.

<sup>3</sup> Wrack is commonly referred to as seaweed.

- The occurrence of minor wave shadows within 500 metres north of the northern breakwater and immediately south of the southern breakwater during sea-breeze, storm and severe storm wave events. Sediment may be trapped in the wave shadows limiting the amount of material transported further along the shoreline.
- The potential for the accumulation of approximately 2,000m<sup>3</sup> per year of sediment immediately south of the southern breakwater. This will result in a reduction of sediment provided to the shoreline north of the Ocean Reef Marina footprint.

A coastal management regime will monitor this sediment accumulation and it is estimated that approximately 10,000m<sup>3</sup> to 20,000m<sup>3</sup> will be required to be moved to the north of the marina every five years.

An average of 4,200m<sup>3</sup> of sediment is presently removed from the entrance to the existing Ocean Reef Boat Harbour each year and the beaches to the north of the proposal footprint have already been running at a deficit. The proposed management of the Ocean Reef Marina would better manage the coastal processes in the area than is currently occurring with the Ocean Reef Boat Harbour. Given the small volume of sediment involved, any changes to the current system will be mitigated through the incorporation of management measures.

It should be noted that the studies undertaken clearly show a historical accretion at Mullaloo Beach which is subject to significant changes in width due to seasonal sediment fluxes. The source of this sediment build up is largely from the beaches to the south around Pinnaroo Point. The numerical modelling of wave and sediment dynamics suggests that the construction of the Ocean Reef Marina would not change this accretion trend or the coastal processes influencing Mullaloo Beach.

The PER and the Ocean Reef Marina Coastal Processes Assessment Report (M P Rogers & Associates, July 2016, contained with Appendix 4 of the PER) provide a substantial amount of detailed information on both the existing and potential sediment movement regime.

The increase in the size of the entrance to the marina is predicted to result in a minor increase in seagrass wrack inside the harbour (from 35 tonnes to 60 tonnes). However, the amount of wrack accumulating on the shoreline surrounding the marina is not expected to change.

On the basis of other marinas in the Perth metropolitan region, any wrack accumulations can be mitigated through regular monitoring and subsequent relocation.

Monitoring and management measures for coastal processes include:

- sediment accumulations will be monitored at regular intervals within and surrounding the Ocean Reef Marina
- management measures will be implemented based on the monitoring results to maintain the sediment transport along the coastline
- wrack accumulations will be monitored regularly and after storm events and accumulations relocated if necessary within the Marmion Marine Park.

After the application of monitoring and management measures, the EPA objective for coastal processes is expected to be met.

### Marine Fauna:

Potential impacts to marine fauna relate to the marina itself (loss or modification of habitat near the marina) and to indirect impacts associated with increased access to and use of the Marmion Marine Park.

The EPA objective for marine fauna is to maintain the diversity, geographic distribution and viability of fauna at the species and population levels.

A study was undertaken to find out which marine animals used the Marmion Marine Park and which ones were likely to occur within the vicinity of the Ocean Reef Marina. The results of this study indicated the following:

- The habitat loss consists of sand and nearshore reef habitats.
- The Ocean Reef Marina will result in the loss and modification of abalone habitat.
- Bottlenose dolphins are the only species of conservation significance likely to occur in the vicinity of the Ocean Reef Marina (within the development envelope).
- Australian fur seals occur within the Marmion Marine Park and would be likely to visit the marina and interact with recreational boating.
- Finfish (important for ecosystem health and recreational fishing) are likely to occur in the development envelope but are also widespread throughout the region with the majority of species occurring over a range of habitats.
- The nearshore habitat is not an important habitat for Western Rock Lobster.

The potential impact of habitat loss for dolphins and fur seals is not considered significant as the area around the Ocean Reef Marina is not an important habitat (that is not used for breeding or important foraging habitat) and the species and their habitats are widespread in the region.

The most significant potential impact on marine fauna is the predicted abalone habitat loss. This issue is addressed in considerable detail in the PER. It is predicted that there will be a total direct and indirect loss of 17.94 hectares of abalone habitat. This represents 41% of the Burns Beach Reef abalone habitat or approximately 14% of the 131 hectares of abalone habitat within the Marmion Marine Park.

The proposed offset for the reduction in abalone habitat is to maintain the overall number of abalone by reducing catch allocations.

It should be noted that the City has engaged with the Department of Fisheries and commercial abalone industry representatives on the loss of abalone habitat. The Department of Fisheries is the responsible authority for managing the abalone fishery and, as such, will administer the reduction in allocation limits, license agreements and payment of any compensation.

The determination of allocation limits, license agreements and compensation levels is a separate process and is not part of the PER assessment. The offset strategy proposed in the PER is to ensure the environmental impacts to abalone habitat and populations are appropriately offset and managed to maintain the distribution, viability and population levels of the species.

Other marine fauna issues addressed in the PER and technical reports include the impact of increased numbers of boats traversing the Marmion Marine Park and the introduction of marine pests.

Monitoring and management measures for marine fauna include:

- best practice construction methods to be used during construction
- promoting/displaying information on ecological values and appropriate behaviour, sustainable fishing practices, wildlife regulations, boat speeds
- providing a base for surveillance, monitoring and research in the marine environment
- provision of fishing line discard bins and information signs
- patrolling of marina to remove line and other entanglement sources and to support clean up measures
- implementing strict environmental management standards for the marina
- encouraging recreational and charter boat owners to participate in species monitoring programs
- encourage and promote best practice measures for refuelling, cleaning vessels, oil spills, bilge water, detergents, stormwater runoff
- collaboration with Department of Fisheries to prevent and respond to incidents of introduced marine pests, or significant amounts of fouling organisms or sediment
- abalone program to be undertaken to verify predict impacts and determine whether additional offsets are required.

After the application of mitigation and management measures, the EPA objective for marine fauna is expected to be met.

#### Integrating Factors – offsets/other:

Offsets are applied to counterbalance any significant residual environmental impacts or uncertainty. The ESD identifies that the requirement for offsets be based on the significant residual impacts from the Ocean Reef Marina.

The significant residual impacts determined in the impact assessment are the potential excision of 48 hectares from the Marmion Marine Park, loss of benthic habitat and reduction in abalone habitat.

The Ocean Reef Marina will result in loss of abalone at Burns Beach Reef which is a significant source of the commercial and recreational abalone catch. The predicted loss of 9.3 tonnes (32%) of the abalone catch in the Burns Beach fishery is proposed to be offset by a reduction in the fishing allocations for abalone. The offset will ensure that the total fishing effort for abalone in the Perth metropolitan area is reduced to take into account the predicted loss of a portion of the Burns Beach abalone fishery.

The ESD identified two other factors (the Marmion Marine Park and amenity) that were required to be considered.

No direct offset is proposed for the potential excision from the Marmion Marine Park or loss of benthic habitat as protection mechanisms require a whole of government approach and cannot be committed to by a proponent.

The proposed offset strategy for direct and indirect impacts on the Marmion Marine Park and environmental values is to provide resources for and/or undertake research/investigations to improve knowledge of the values or threatening processes within the Marmion Marine Park and potentially adjoining areas (to the north).

The objective of the research offset would be to improve knowledge of the environmental values of the Marmion Marine Park, particularly the near-shore reef, in order to inform and improve management planning and to facilitate the update the *Marmion Marine Park Management Plan* (including consideration of sanctuary zones and potential extension of the Marmion Marine Park).

The Marmion Marine Park is an important destination for boating and recreation, providing a large area for yachting, powerboat use and a range of recreational activities. The shoreline of the Marmion Marine Park currently supports three recreational boating facilities; Hillarys Boat Harbour, Mindarie Marina and the existing Ocean Reef Boat Harbour which offer a limited number of boat pens, boat stacking and boat launching facilities.

The PER included a review of the values recognised in the 10 year audit of the Marmion Marine Park and concluded that no values associated with the Marmion Marine Park will be significantly affected by the Ocean Reef Marina.

Impacts to amenity associated with noise and vibration will be highest during breakwater construction. The majority of construction material (including limestone breakwater core and reclamation material) will be sourced from within the development site and this will limit construction traffic outside of the Ocean Reef Marina footprint.

Breakwater construction will involve the movement of approximately 2,000 to 4,000 tonnes per day with dumping of core material approximately every six minutes at each breakwater. Construction will be undertaken in accordance with the limits imposed by the *Environmental Protection (Noise) Regulations 1997*.

The PER details the proposed construction methodology and reports that material sought from the Ocean Reef Marina site will be utilised for the construction of the breakwaters (where possible) minimising the requirement for fill material to be brought into the site. The *Ocean Reef Marina Traffic and Transport Assessment Report* (BG&E 2014, included as Appendix E to the *Ocean Reef Marina Structure Plan*) outlines the proposed construction traffic management measures to be implemented.

### **Key Feedback provided by the Office of the Environmental Protection Authority**

The draft PER was provided to the Departments of Parks and Wildlife, Transport and Fisheries and officers within the OEPA for the preliminary comment and assessment on whether the information provided adequately addresses the requirements of the ESD.

In broad terms, the comments were principally related to the following:

- Clarification on aspects of the water quality modelling methodology, extent and results.
- The inclusion within the PER and the technical reports of additional detail to justify conclusions and impact assessment arising from the water quality modelling.
- The inclusion within the PER of further detailed information on all elements of the proposal which may potentially affect the marine environmental quality.
- The inclusion of additional detail on the flushing methodology and results.
- Modify the language within the PER to enable easier assessment and interpretation of the potential impacts to marine environmental quality.
- The inclusion of greater detail on the governance arrangements for the management of marine environmental quality.
- The inclusion of additional water quality monitoring during construction.



- Refining the benthic habitat map to provide a greater level of detail.
- The inclusion of additional detail on the direct and indirect impacts of all aspects of the development on fish and fish habitats, bird species and other marine fauna.
- Clarification on aspects of the coastal processes modelling methodology and results.
- Further demonstration that all residual impacts from the development, both direct and indirect, after demonstrating how the mitigation hierarchy - avoid, minimise, rectify and offset - has been considered and applied.
- A more in-depth analysis of the works undertaken to identify where conservation values are likely to be lost, both within and outside of the Marmion Marine Park.

Following receipt of the agency comments, the Ocean Reef Marina Project Team undertook the required additional work. To ensure that the additional information to be included was satisfactory to the agencies, the project team met with each agency to discuss how the comments were addressed, what further work was to be carried out and what additional information was provided in the amended PER and technical reports.

### Issues and options considered

Not applicable.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005*
- *Environmental Protection Act 1986*
- *Environmental Protection, Biodiversity and Conservations Act 1999* (Cwlth).

The approvals for the development are influenced by various Western Australian Position Statements and Guidance Statements, guidelines and policies, including:

- *Development Control Policy 1.8: Canal Estates and Artificial Waterways Developments*
- *SPP 2.6: State Coastal Planning Policy*
- *SPP 2.8: Bushland Policy for the Perth Metropolitan Region*
- *SPP 3.7 Planning in Bushfire Prone Areas*
- *Environmental Assessment Guidelines Nos 1, 3, 6, 7, 8, 9, 10 and 15*
- *Guidelines for Preparing a Public Environmental Review*
- *Perth's Coastal Waters: Environmental Values and Objectives*
- *Sea Level Change in Western Australia – Application of Coastal Planning*
- *Coastal Hazard Risk Management and Adaptation Planning Guidelines.*

## Strategic Community Plan

<b>Key theme</b>	Economic prosperity, vibrancy and growth
<b>Objective</b>	Destination City
<b>Strategic initiative</b>	<ul style="list-style-type: none"> <li>Facilitate the establishment of major tourism infrastructure.</li> <li>Encourage diverse accommodation options.</li> </ul>
<b>Policy</b>	Not applicable.

## Risk management considerations

The City has amassed a substantial amount of information on all aspects of the project over a number of years. This information not only informed the development of the concept plan but confirmed that there were no major environmental impediments to the development of the Ocean Reef Marina.

The extensive consultation undertaken with the decision making agencies (DoP, OEPA, Department of Transport, Department of Parks and Wildlife and the Department of Fisheries) before and during the PER process has assisted the preparation of a document that meets the requirements necessary for assessment.

The City believes that the amendments made to the draft PER and technical reports adequately address the issues raised by the agencies and that the amended PER is suitable for public advertising.

The OEPA has acknowledged the City's request for the PER to be advertised concurrently with the MRS amendment and has noted the planned timing for the advertising (September 2016).

Notwithstanding the City's confidence in the amended PER, there is a risk that the OEPA and the EPA may require further amendments to either the PER document itself or any of the technical reports and appendices.

Should this be the case, it is unlikely that public advertising will be able to occur in September. This scenario would impact the entire approvals timeline and would also delay a significant proportion of the proposed communications strategy.

## Financial / budget implications

### Current financial year impact

<b>Account no.</b>	C1001.
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$ 882,313
<b>Amount spent to date</b>	\$ 70,525
<b>Balance</b>	\$ 811,788

Note: The 2016-17 approved budget includes income of \$500,000 (State Government financial contribution).

Total Project Expenditure – as at 11 August 2016

2007-08	\$ 133,241
2008-09	\$ 968,284
2009-10	\$ 266,604
2010-11	\$ 325,046
2011-12	\$ 388,552
2012-13	\$ 376,393
2013-14	\$ 838,371
2014-15	\$1,314,917
2015-16	\$1,162,400
2016-17	\$ 70,525
LESS Grants Received	<u>\$ (785,500)</u>

Total City Expenditure \$5,058,833

**Annual operating cost** The relevant business case/s, as far as possible, will include anticipated on-going operating costs.

**Estimated annual income** The relevant business case/s, as far as possible, will include estimated annual income.

**Capital replacement** Detailed analysis will be required at the appropriate stage of the project.

**20 Year Strategic Financial Plan impact** The City's *20 Year Strategic Financial Plan 2015-2016 to 2034-35* includes \$2,070,000 which represents capital expenditure for the 2015-16 and 2016-17 financial years. Further analysis of the impact on the *20 Year Strategic Financial Plan* will be undertaken at the appropriate stage of the project.

**Impact year** 2016-17.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The amended PER and technical reports take into consideration the impact of the Ocean Reef Marina development at both a local and regional level.

**Sustainability implications**

The development of the required management plans, mitigation and management measures will ensure that the on-going sustainability of the marine environmental in the vicinity of the Ocean Reef Marina is maintained in accordance with the relevant state, federal and local guidelines and policies.

**Consultation**

The ESD included an expectation that the City would consult with stakeholders who are interested in, or affected by, the proposal. This includes decision-making authorities and other relevant State Government departments; this engagement has been continuous and ongoing.

Throughout the PER process consultation has occurred with the following government stakeholders:

- Premier of Western Australia.
- Minister for Transport.
- Minister for Planning.
- Minister for Lands.
- Minister for the Environment.
- Minister for Tourism.
- Shadow Ministers for Transport and Planning.
- Local members.
- Representatives for the Minister for Lands.
- Department of Premier & Cabinet.
- EPA.
- OEPA.
- DoP.
- WAPC.
- DoF.
- Department of Environment Regulation (DER).
- Department of Transport (DoT).
- Department of Lands (DoL).
- DPaW.
- Marine Parks and Reserves Authority (MPRA).
- Department of Water.
- Office of Native Title.
- Perth Transit Authority.
- LandCorp.
- Water Corporation.
- DotE (Australian Government).

Consultation has also been conducted with the following various key commercial and recreational marine stakeholders:

- Western Australian Abalone Industry Association (WAAIA).
- Abalone Association WA (AAWA).
- West Coast Abalone Divers Association (WCADA).
- RecFish West.
- Western Australian Fishing Industry Council (WAFIC).
- Ocean Reef Sea Sports Club.
- Whitfords Volunteer Sea Rescue.
- WA Surf Life Saving.

A substantial amount of detailed, technical information will be made available to all stakeholders (including the wider community) during the public advertising period. Further, the approvals process being undertaken by the City is unique and complex and it is considered vital that, as far as possible, all stakeholders have a good understanding of the process being undertaken by the City.

The Ocean Reef Marina Communications Strategy has also identified that consultation with other community and industry stakeholders will be undertaken during the PER advertising period to ensure that issues of concern are identified and addressed.

It is considered that the following marine environmental issues will be of particular concern to community stakeholders:

- Impact of the Ocean Reef Marina on the beaches to the north and south of the development.
- Excision of the Ocean Reef Marina from the Marmion Marine Park and the potential decrease in the size of the marine park.
- Impact of the marina on the marine fauna and flora within the Marmion Marine Park and the impact on recreational fishing stocks.
- The flushing of the marina waterbody and the potential for algal blooms.
- The build up of seagrass wrack and its impact on the amenity of the marina and surrounding area.
- The loss of abalone habitat and population and the impact on the commercial and recreational abalone fishery.
- How the marine environmental impacts of the marina, both short and long-term, will be managed and mitigated and whether monitoring measures are adequate to identify whether the predicted impacts are as was expected.
- The impact of climate change and sea level rise on the Ocean Reef Marina and what mitigation and management measures will be implemented.

## **COMMENT**

The draft PER, technical reports and management plans have been amended and updated in accordance with the comments raised by the OEPA and the decision making agencies. It is considered that the amended PER and accompanying documents adequately address the requirements of the ESD.

It is therefore considered appropriate that the amended PER, technical reports and management plans be submitted to the EPA for approval to advertise.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RESOLUTION**

Prior to the Special Council Meeting, a special meeting of the Major Projects committee was held to consider this report.

The committee resolution for this report (as detailed below) was resolved by the Major Projects Committee at its special meeting held on 29 August 2016.

The original recommendation as presented by City officers to the committee and as presented in the agenda for the Special Council Meeting, is as follows:

*That Council NOTES the Chief Executive Officer's intent to resubmit the amended draft Public Environment Review and supporting documentation to the Environmental Protection Authority for its approval to advertise.*

The committee's subsequent resolution to Council is as follows (changes identified):

*That Council:*

- 1 *NOTES the Chief Executive Officer's intent to resubmit the amended draft Public Environmental Review and supporting documentation to the Environmental Protection Authority for its approval to advertise;*
- 2 *REQUESTS the Chief Executive Officer to undertake a direct household mail-out to all households in the City as part of the City's Communication Plan.*

**MOVED Cr Chester, SECONDED Cr Hollywood that Council:**

- 1 **NOTES the Chief Executive Officer's intent to resubmit the amended draft Public Environmental Review and supporting documentation to the Environmental Protection Authority for its approval to advertise;**
- 2 **REQUESTS the Chief Executive Officer to undertake a direct household mail-out to all households in the City as part of the City's *Communication Plan*.**

**The Motion was Put and**

**CARRIED (9/0)**

**In favour of the Motion:** Crs McLean, Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, Norman and Poliwka.

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1agn160829.pdf](#)

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 7.42pm the following Elected Members being present at that time:

CR TOM MCLEAN, JP  
CR KERRY HOLLYWOOD  
CR NIGE JONES  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP