

**Section 43A**

**NOTICE OF DECISION TO APPROVE AMENDMENTS TO PROPOSAL DURING  
ASSESSMENT**

**PERSON TO WHOM THIS NOTICE IS GIVEN**

Ms Kyra Nimmo  
Project Manager  
South West Development Commission (ABN 23 250 505 809)  
9th Floor, Bunbury Tower  
61 Victoria Street  
BUNBURY WA 6230

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Koombana Bay Marine Structures  
Assessment No. 2049

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) gives approval to the assessment of the proposal being completed in respect of the proposal as amended in accordance with the proponent's request being:

- Increase in the development envelope to 56.5 ha and increase in the indicative disturbance footprint to 42.15 ha. Clarification of the type of marine infrastructure (inclusive of the extent of breakwaters and reclamation areas) for the identified future proposals.
- Inclusion of a third future proposal, the Dolphin Discovery Centre finger jetty.

See the attached Proposal Content Document and clarified proposal figure.

**EFFECT OF THIS NOTICE:**

1. The assessment of the proposal is to be completed in respect of the proposal as amended in accordance with the decision set out in this notice.
2. The proposal as amended in accordance with this notice is taken to have been referred to the EPA under section 38 of the EP Act.

**RIGHTS OF APPEAL:**

There are no rights of appeal under the EP Act in respect of this decision.



**Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

26 April 2022

## Amended Proposal Content Document

Table 1: General strategic proposal description

<b>Strategic proposal title</b>	Koombana Bay Marine Structures
<b>Strategic proponent name</b>	South West Development Commission
<b>Short description</b>	<p>The strategic proposal is to develop areas in Koombana Bay, Bunbury for small craft marine infrastructure (Figure 1). The proposed marine infrastructure includes jetties, boat ramps and boat pens.</p> <p>The identified future proposals under the strategic proposal are for the construction and operation of:</p> <ul style="list-style-type: none"> <li>• <b>Casuarina Boat Harbour</b></li> <li>• <b>Koombana Bay Sailing Club Marina</b></li> <li>• <b>Dolphin Discovery Centre Finger Jetty</b></li> </ul> <p>The construction of future derived proposals will be undertaken in stages. The marine infrastructure is located adjacent to, or in close proximity to existing infrastructure in Koombana Bay, Bunbury.</p>

Table 2: Identified future proposal description and elements

<b>Casuarina boat harbour</b>		
This future proposal includes a dredging and dredge spoil disposal, piling activities, land reclamation and construction of a breakwater and revetment walls. The marine infrastructure includes the construction and operation of floating jetties, boat ramps and boat pens.		
<b>Proposal element</b>	<b>Location / description</b>	<b>Maximum extent, capacity or range</b>
<b>Physical elements</b>		
Development Envelope	Figure 1	Up to 40 ha

(Indicative) Casuarina Boat Harbour (CBH) disturbance footprint	Figure 1	Up to 32 ha within CBH disturbance footprint
Breakwater	Figure 1	Up to 3.5 ha within CBH disturbance footprint
Reclamation	Figure 1	Up to 3.5 ha within CBH disturbance footprint
Marine infrastructure	Within CBH	Floating jetties, boat ramps and boat pens within CBH disturbance footprint.
<p><b>Koombana Bay Sailing Club marina</b></p> <p>This future proposal includes a dredging component, a piling component, land reclamation (including onshore dredge spoil disposal) and construction of a breakwater. The marine infrastructure includes the construction and operation of floating jetties, boat ramps and boat pens.</p>		
<b>Proposal element</b>	<b>Location / description</b>	<b>Maximum extent, capacity or range</b>
<b>Physical elements</b>		
Development Envelope	Figure 1	Up to 16 ha
(Indicative) Koombana Bay Sailing Club (KBSC) marina disturbance footprint	Figure 1	Up to 10 ha within KBSC disturbance footprint
Breakwater	Figure 1	Up to 2.5 ha within KBSC disturbance footprint
Reclamation	Figure 1	Up to 2 ha within KBSC disturbance footprint
Marine infrastructure	Within KBSC	Floating jetties, boat ramps and boat pens within KBSC disturbance footprint
<p><b>Dolphin Discovery Centre finger jetty</b></p> <p>This future proposal includes a finger jetty, a piling component and a temporary onshore construction laydown area.</p>		
<b>Proposal element</b>	<b>Location / description</b>	<b>Maximum extent, capacity or range</b>
<b>Physical elements</b>		
Development Envelope	Figure 1	Up to 0.5 ha

(Indicative) Dolphin Discovery Centre jetty (DDC) disturbance footprint	Figure 1	Up to 0.15 ha within DDC disturbance footprint
Marine infrastructure	Figure 1	Jetty up to 110 metres long



**Figure 1:** Development envelope, indicative dirturbance footprint and marine elements

## Summary of reasons for decision – request to amend a referred proposal under s43A of the *Environmental Protection Act 1986*

**Proposal Title:** Koombana Bay Marine Structures

**Proponent:** South West Development Commission

**Proposal referral date:** 24 March 2015

**Date request to amend referred proposal under section 43A received:** 21 December 2021

### Existing referred proposal:

The strategic proposal is to develop areas in Koombana Bay for small craft marine infrastructure. The proposed marine infrastructure includes construction and operation of jetties, boat ramps and boat pens. The referred strategic proposal identified two future proposals; upgrades to the Casuarina Boat Harbour and Koombana Bay Sailing Club. The future proposals include dredging, dredge spoil disposal, land reclamation and breakwater and groyne construction.

### Short description of amendment(s) sought:

- Increase in the development envelope to 56.5 ha and increase in the indicative disturbance footprint for future proposals to 42.15 ha. Clarification of the type of marine infrastructure (inclusive of the extent of breakwaters and reclamation areas) for the identified future proposals.
- Identification of a third future proposal, the Dolphin Discovery Centre finger jetty, which was included during preparation of the Environmental Scoping Document (ESD).

### Decision:

Amendment(s) to proposal as set out in Attachment 1 are approved.

### Environmental factors relevant to amendment(s):

- Benthic Communities and Habitats key values: benthic communities and habitats including seagrass
- Marine environmental quality key values: marine water and sediment quality and ecosystem health
- Marine fauna key values: locally significant marine fauna including bottlenose dolphins
- Coastal processes key values: sand and wrack movement and processes

## Summary of likely changes to environmental impacts from proposed amendment(s)

Amendment sought	Changes to potential environmental impacts
<p>The development envelope (DE), indicative disturbance footprint, and extent of breakwaters and reclamation areas for each of the identified future proposals has increased since referral. The revised extents are:</p> <p><u>Casuarina Boat Harbour</u></p> <ul style="list-style-type: none"> <li>• 40 ha DE (increase of 6.94 ha)</li> <li>• Reclamation of 3.29 ha (increase of 0.29 ha)</li> <li>• Breakwater of 3.29 ha (increase of 1.93 ha)</li> </ul> <p><u>Koombana Bay Sailing Club</u></p> <ul style="list-style-type: none"> <li>• 13.72 ha DE (increase of 0.8 ha)</li> <li>• Reclamation of 1.85 ha (extent not provided at referral)</li> <li>• Breakwater of 2.49 ha (increase of 1.51 ha)</li> </ul>	<p>The EPA recognises, as outlined in the <i>Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2021</i>, that detailed design of future proposals may not be available when the EPA assesses a strategic proposal. At the time of referral, the proponent identified two future proposals (upgrades to Casuarina Boat Harbour and Koombana Bay Sailing Club) and provided indicative extents of the key marine infrastructure (breakwaters and reclamation).</p> <p>Since referral, there have been small increases in the development envelope and extents of identified marine infrastructure. However, while the extents have increased, the nature and location of these are predominately unchanged. Since referral, the way proposals are described has also changed, which partially accounts for some of the increases in extents.</p> <p>The marine infrastructure proposed for the identified future proposals remains the same and predominately in the same locations. An additional breakwater has been included for the Koombana Bay Sailing Club future proposal.</p> <p>The EPA advises that the potential impacts, and the pathways for those impacts, to each of the identified environmental factors remains unchanged.</p> <p>The EPA considers proposed changes does not alter the key environmental factors likely to be impacted by the strategic proposal. These impacts will be considered during the assessment.</p>
<p>Confirmation of the third future proposal, the Dolphin Discovery Centre finger jetty.</p>	<p>This future proposal was not identified at referral, however the potential impacts of this future proposal were considered and included during the preparation of the ESD.</p> <p>Since its consideration in the ESD, the location of the jetty has moved further west, however the nature and size of the jetty are remained predominately unchanged.</p> <p>The Dolphin Discovery Centre finger jetty is small in scale, extent and severity. The studies needed to inform potential impacts from this proposal have already been considered and included in the ESD, and therefore its inclusion as a potential future proposal is</p>

Amendment sought	Changes to potential environmental impacts
	unlikely to be considered a significant amendment to the proposal.

**Summary of consultation**

No consultation has been undertaken by the proponent on the application.

The environmental review document will be subject to a 6 week public review, this is considered sufficient for consultation on the impacts of the amendments as incorporated as part of the whole proposal.

**Summary of consideration of amendment**

The EPA has considered whether, if the strategic proposal was already approved, the amendment would be a significant amendment. This has included considering the likely significance of:

- Effects of the proposed amendment on its own.
- Effects of the proposed amendment in the context of the existing referred proposal.
- Cumulative environmental impacts.
- Holistic impacts.

The EPA has considered whether it has sufficient information about the proposed amendment to be able to reasonably proceed with assessment of the amended strategic proposal with or without performing any additional functions at this stage.

The EPA has considered whether the amended strategic proposal will still be substantially the same character as the existing referred strategic proposal.

**Approval – not a significant amendment**

The EPA considers the amended strategic proposal to be substantially the same character as the existing referred strategic proposal and does not consider that the amendment would be a significant amendment if the strategic proposal were already approved. The EPA considers it has enough information to reasonably proceed with assessment of the amended strategic proposal without performing any additional functions at this stage.

**Attachments**

Attachment 1 –Strategic Proposal Content Document including proposal figure

**Appeals:** Decision not appealable.



**Professor Matthew Tonts**  
 CHAIR  
 Delegate of the Environmental Protection Authority

**Date:** 26 April 2022

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