

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Ocean Reef Improvement Scheme

Location: Ocean Reef Marina

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 9 March 2020

Summary

The Western Australian Planning Commission (WAPC) has initiated the Ocean Reef Improvement Scheme which provides land use and development controls over the proposed Ocean Reef Marina area.

The Environmental Protection Authority (EPA) has considered the scheme in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the documentation provided by the WAPC. Having considered this matter the following advice is provided.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this scheme:

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Benthic Communities and Habitats;
- d) Coastal Processes;
- e) Marine Environmental Quality; and
- f) Social Surroundings.

2. Advice and Recommendations regarding Environmental Factors

It is noted that the proposed Ocean Reef Marina redevelopment has been considered by the EPA through two previous referrals under Part IV of the EP Act; Metropolitan Region Scheme (MRS) Amendment 1270/41 which zoned and reserved land appropriately under the MRS, and the Ocean Reef Marina proposal.

In June 2014 the EPA determined that MRS Amendment 1270/41 did not require assessment, and provided public advice. The EPA considered that the impacts of the amendment to Flora and Vegetation and Terrestrial Fauna were not so significant as to warrant formal assessment, and that the management of the impacts would be addressed through a Negotiated Planning Outcome (NPO) agreed between State Government Departments and finalised by the WAPC. The EPA notes that the NPO was approved by the WAPC in February 2019 addressing impacts to Bush Forever Site 325 through a 90% land acquisition and 10% rehabilitation.

In February 2019 the EPA provided its report and recommendations to the Minister for Environment in Report 1629 regarding the Ocean Reef Marina proposal, concluding that the proposal could be implemented subject to recommended conditions. Ministerial Statement 1107 was then issued in August 2019 setting out the implementation conditions for the marina construction and operation addressing impacts to the remaining environmental factors set out above. In January 2020 a change to the proposal was approved by the EPA under delegated authority in accordance with s45C of the EP Act, which allowed for a minor increase in the development envelope, and reduction in dredging area.

The EPA considers that the potential impacts of the implementation of the Improvement Scheme are not so significant as to warrant formal assessment. The EPA considers that the management of all potential significant environmental impacts have been addressed through the NPO and the requirements of the implementation conditions in Ministerial Statement 1107.

The EPA advises that the Improvement Scheme boundary contains some slight boundary anomalies which are not fully aligned with the Development Envelope in Ministerial Statement 1107. This will require modification prior to finalisation of the Improvement Scheme.

Conclusion

The EPA concludes that the scheme can be managed to meet the EPA's environmental objectives through existing planning controls. The EPA further considers that the management of all potential significant environmental impacts of the Ocean Reef Marina redevelopment have been addressed through the NPO and the requirements of the implementation conditions in Ministerial Statement 1107.