



Department of Planning and Community Development

DPCD REF:

PLANNING AND LOCAL GOVERNMENT

FILE REF:

09/004287-01

REQUESTED VOLUNTARY

MINISTERIAL REF:

CMIN023242

FOR DECISION

CRITICAL DECISION DATE: **As soon as practical**

MINISTER FOR PLANNING

SUBJECT: REFERRAL UNDER THE *ENVIRONMENT EFFECTS ACT 1978* -
BLAIRGOWRIE SAFE BOAT HARBOUR EXTENSION

DATE: 16 September 2010

	Name	Position	Phone no.
Prepared by	Anthony Wansink	Senior Environmental Assessment Officer	(03) 9412 4657
Reviewed by	Geoff Ralphs	Acting Deputy Chief Environmental Assessment Officer	(03) 9637 9547
Approved by	John Ginivan	Acting Executive Director Planning Policy and Reform	(03) 9637 8045
Endorsed by	John Watson	Acting Deputy Secretary Planning and Local Government	(03) 9637 8345

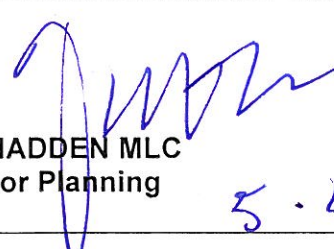
RECOMMENDATIONS

That you:

- Sign the attached 'Statement of Decision' (**Attachment 1**) to decide under section 8B(3)(c) of the *Environment Effects Act 1978* that an Environment Effects Statement is not required for the Blairgowrie Safe Boat Harbour Extension Project, for the reasons set out in the attached 'Reasons for Decision' (**Attachment 2**).
- Sign the attached letters to the Blairgowrie Yacht Squadron, Minister for Environment and Climate Change and the Mornington Peninsula Shire Council advising of your decision that an Environment Effects Statement is not required.

Approved
 Not Approved

Approved
 Not Approved

 JUSTIN MADDEN MLC Minister for Planning 5.20.10	
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PURPOSE

1. To seek your decision on the need for an Environment Effects Statement (EES) under the *Environment Effects Act 1978* (EE Act) for the proposed Blairgowrie Safe Boat Harbour Extension Project.

BACKGROUND

2. **Proposal:** The Blairgowrie Yacht Squadron proposes to extend the existing Blairgowrie Safe Boat Harbour to provide an additional 110 berths. The current Blairgowrie Safe Boat Harbour provides berthing facilities for 170 boats. This proposal involves extending the wave screen approximately 220 metres (m) west of the existing harbour and replacing the existing wave screen to correct a design flaw. Other proposed components of the project include a hard stand area including two lift cranes, a straddle carrier track to replace the existing slipway, navigation aids and the installation of rock and scour protection under the existing and proposed wave screen. No landside works are proposed as part of this development, excluding the removal of the existing gantry crane and winch house. A site plan of the current development and a concept plan is provided in **Attachment 3**.
3. The original Blairgowrie Safe Boat Harbour proposal was subject to an EES process in 1999. The then Minister for Planning stated in the notification to require an EES that *'the key issue requiring attention is the possible suite of effects on coastal processes, and therefore the scope of the EES should be closely focussed on that issue'*. Following preparation and exhibition of the EES, and the subsequent Panel hearing, the then Minister for Planning recommended that the original development be approved.
4. **Required Approvals:** A planning scheme amendment (PSA) under the *Planning and Environment Act 1987* will be required to change the zoning from a Public Conservation Recreation Zone (PCRZ) to a Public Park and Recreation Zone (PPRZ). Consent will also be required under the *Coastal Management Act 1995* and a Cultural Heritage Management Plan (CHMP) will require approval under the *Aboriginal Heritage Act 2006*.
5. **Referral Timing:** The referral under the EE Act was accepted on 13 August 2010. Therefore the 20 business day target, as outlined in the *Ministerial Guidelines for the Assessment of Environmental Effects under the Environment Effects Act 1978*, for this referral was 9 September 2010.

ISSUES/COMMENTS

6. **Project Impacts:** A detailed analysis of the potential environmental effects of the project is provided in **Attachment 4**, with the key matters summarised below:
7. **Coastal Processes:** The existing wave screen from the Blairgowrie Safe Boat Harbour has resulted in a change to the shape of the adjacent beach, with erosion occurring both east and west of the boat harbour and sand accumulation occurring behind the wave screen (termed a salient). The proposed wave screen for the extended harbour is also likely to result in a modified wave pattern (locally) which is likely to change patterns of sediment accretion and erosion in the immediate area, which may further change the shape and extent of the adjacent beach.
8. These types of impacts were predicted during the previous EES and considered by the then Minister for Planning to be acceptable, subject to a conditional requirement for restorative works when certain triggers are met. The previous EES Panel noted that *'there will be changes to the coastal processes and that they will result in growth of a salient from the beach and there is a possibility of erosion to either side of the salient ... the Panel supports the proposal subject to there being suitable conditions in the EMP and the Planning Permit'*. Restorative works have been undertaken on several occasions over the past 10 years when the triggers (specified in the planning permit) have been reached.

9. Whilst the proposed extension to the wave screen is likely to further change coastal processes and cause additional changes to the shape of the beach, including the potential movement of the scour zone to the west, it is unlikely that the proposed extension will result in any significant impact on the coastal processes, particularly given the already altered state of this local coastline.
10. The assessment of coastal process impacts submitted with this referral contains limited modelling and relies largely on both the assessment undertaken for the previous EES and the results of ongoing monitoring post construction. Although this assessment provides sufficient information to characterise the likelihood of significant impacts, it is probably insufficient for a decision-maker to be adequately informed about the level of impact such that decisions on approvals and appropriate management and mitigation could be made. Advice received from the Department of Sustainability and Environment (DSE) states that *'the wave wall extension would cause the existing erosion to be moved further west but does not indicate how this will be ameliorated. DSE requires this to be addressed to ensure coastal processes are maintained as close as possible to natural conditions'*. It is therefore expected that further assessment will be required as part of the application for consent under the *Coastal Management Act 1995*.
11. *Aquatic Flora and Fauna:* The proposed extension is likely to have a temporary impact to local aquatic flora and fauna populations. However, these impacts are unlikely to be significant and the proposed extension may ultimately provide beneficial benefits through the introduction and protection of local habitat (e.g. sheltered water for seagrass colonisation). No listed aquatic flora and fauna species are likely to frequent the area of this proposal, largely due to the limited local habitat – this is confined to some seagrass and the existing underwater structures - and extent of human activity in the area.
12. The pylons and other structures introduced to the marine environment from the existing boat harbour provide artificial habitat for a range of invertebrate and algal species that have colonised this location. This proposal does require the removal and replacement of the wave screen, which may temporarily impact this artificial habitat. However, this impact is not considered significant due to the temporary nature of this disturbance and that the species impacted are only of local significance. In addition, the installation of more pylons and other structures will create additional artificial habitat in the long term.
13. The area where the extension is proposed to be located contains some seagrass, with only one small distinct patch identified during recent surveys. The proposal is unlikely to have a significant impact on the local seagrass population. Further, the existing and proposed wave screen may serve to protect a greater area from wave action such that it could benefit this seagrass and create an environment favourable for further colonisation.
14. *Amenity:* The project may impact on the amenity of the area due to increased patronage, which may result in increased car parking and traffic demand, and landscape / visual amenity impacts resulting from further development of the coast. It is unlikely that these impacts would be significant given current use of the area for a boat harbour. Residual impacts on amenity impacts can be readily considered as part of a PSA process under the *Planning and Environment Act 1987*.
15. *Cultural Heritage:* No Aboriginal or non-Aboriginal cultural heritage sites have been identified within the proposed area of the extension. It is highly unlikely that the project will have any cultural heritage impacts. However, the Blairgowrie Yacht Squadron will need to prepare an approved Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* as the proposed area is within proximity to the coast which is considered a culturally sensitive landscape.
16. **Community Interest:** The previous EES and PSA generated significant public interest with approximately 700 submissions received. The use of coastal land for boat harbours and similar developments often attract significant attention and some opposition and therefore, it is expected that there will be community interest in this development. However, the extent of interest is unknown and could be reduced given the facility already exists.

OPTIONS

17. Having regard to the potential for significant environmental effects, it is concluded that an EES is not warranted for the following reasons:
- The potential changes to coastal processes are unlikely to result in any adverse environmental effects of regional or state significance.
 - Potential impacts of the coastal processes and aquatic flora and fauna are likely to be localised and can be readily assessed under the *Coastal Management Act 1995* consent process.
 - Potential impacts on the amenity of the area, including in relation to visual amenity and car parking, are likely to be localised and can be assessed under the *Planning and Environment Act 1987* planning scheme amendment process.
18. The EES referral documentation submitted by the Blairgowrie Yacht Squadron provides adequate information to identify the likelihood of significant impacts. However, further detailed assessment and documentation could be required by relevant decision-makers in order to be appropriately informed of likely impacts and the required management and mitigation required, particularly in relation to coastal processes, car parking and visual amenity impacts.
19. **Assessment options:** Section 8B(3)(b) of the EE Act allows you to require a proponent to prepare documentation to your satisfaction as a condition of not requiring an EES where there may be some potentially significant environment effects that need to be addressed through an assessment process. However, in this case, there is a low likelihood of significant effects and there are existing processes under both the *Planning and Environment Act 1987* and *Coastal Management Act 1995* that provide adequate mechanisms for the assessment of any residual environmental risks.
20. It is therefore recommended that you do not need to use section 8B(3)(b) of the EE Act. Rather an EES should not be required and you should merely notify decision-makers that some further detailed consideration of residual issues might be necessary as part of their statutory processes under the above Acts. This can be done via your correspondence to decision-makers notifying them that no EES is required under the EE Act for this proposal. The attached letters include such discussion on these residual matters.

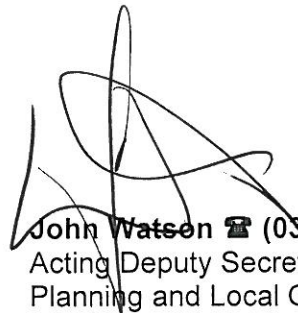
CONSULTATION

21. Advice from the DSE was received during the preparation of this brief.



John Ginivan ☎ (03) 9637 8045
Acting Executive Director
Planning Policy and Reform

Date 17/9/10.....

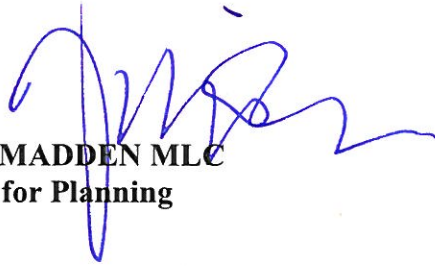


John Watson ☎ (03) 9637 8345
Acting Deputy Secretary
Planning and Local Government

Date 20/9/10.....

DECISION ON PROJECT: Blairgowrie Safe Boat Harbour Extension

1. Assessment though an Environment Effects Statement under the *Environment Effects Act 1978* is not required for the reasons set out in the attached Reasons for Decision.
2. The following parties are to be notified of this decision:
 - Blairgowrie Yacht Squadron (proponent)
 - Minister for Environment and Climate Change
 - Mornington Peninsula Shire Council



JUSTIN MADDEN MLC
Minister for Planning

Date:

- 5 OCT 2010