

Important Issues Regarding the Proposed Mangles Bay Marina Canal Estate on Point Peron

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Note: this document sets out numerous issues but it does not attempt to cover all issues and concerns regarding the proposed Mangles Bay Marina (MBM) canal estate on Point Peron public land.

1. Historic Issues

- **1964 Federal-State Agreement.** The 1964 Point Peron Land Agreement stipulated that Point Peron's use is to be 'restricted to a reserve for recreational and/or park lands' and that the land must not be used 'for private industrial, commercial or residential development'. This includes the site of the proposed MBM canal subdivision. (<http://handsoffpointperon.com/impacts-issues>).
- **Bush Forever.** Point Peron is a designated Bush Forever site (#353). The government's publication, *Bush Forever, Volume 1, Policies, Principles and Processes* issued by the Ministry for Planning, December 2000, clearly states that, "Bush Forever is about protecting the quality of our environment" so that "our children and future generations will be able to appreciate and enjoy our natural heritage places." (<http://www.planning.wa.gov.au/publications/5911.asp>)
- **1993 EPA Decision** (Bulletin 693, July 1993). In 1993 the EPA, on assessing a far less environmentally damaging in-sea marina, concluded "that the proposed Marina at Mangles Bay is environmentally unacceptable and should not proceed.

"In reaching this conclusion, the Authority identified the main environmental factor as the significant impact on the remaining seagrass in the Mangles Bay area and the ecological significance of preserving the small amount of seagrass that remains in Cockburn Sound."

2. Legal Issues

- The breach of the 1964 Commonwealth/State agreement under which the State purchased the MBM project land from the Commonwealth at a greatly reduced price on condition that the land be reserved for recreation and/or park lands.
- Compliance with due diligence and probity requirements in regard to the project's evaluation, funding and contracting.
- Compliance with planning laws.
- Compliance with the Commonwealth and State conditions of environmental approval for the project.

3. Ecological/Environmental Issues

- **Loss of seagrass.** Dredging, boats, moorings and pollution result in the loss of seagrass which has many benefits to people, industry and the environment. Seagrass:
 - (a) Stabilises the sand
 - (b) Helps prevent coastal erosion
 - (c) Helps protect from tidal waves (storm surges)
 - (d) Filters and cleans the water
 - (e) Prevents algal blooms
 - (f) Provides vital food and habitat for marine animals, birds and other sea plants

Dr Mike van Kuelen has stated, "The proposed marina development will effectively reduce the amount of seagrass in Mangles Bay and will bisect the existing meadow, fragmenting the existing habitat. This has implications for the community structure as a

whole, with risks of further fragmentation and impacts on foraging activities by larger animals like penguins and dolphins.”

(<http://handsoffpointperon.com/impacts-issues>).

- **Loss of “bush forever”.** Approximately 40 hectares of “bush forever” scarce coastal bushland would be bulldozed.
- **Lake Richmond.** Lake Richmond is the closest fresh water lake to the ocean anywhere in Australia and a Threatened Ecological Community. It is home to the long-necked turtle as well as 109 species of visiting birds including 15 protected under international agreements. Signage at the lake says it is so threatened that it is “under extremely high risk of destruction in the immediate future.” The construction of canal walls just a few hundred metres away and linked by porous limestone rocks could result in the salinification of Lake Richmond and the loss of this unique ecological community. (<http://handsoffpointperon.com/impacts-issues>).
- **Thrombolites.** The Thrombolites are one of the two threatened ecological communities at Lake Richmond. These “living rocks” have a 600 million year old history and are of high international significance and could be lost with the salinification of the lake.
- **Sedgelands.** Lake Richmond is also home to 20 ha of unique sedgelands. Only 200 ha of these remain in the world and 10% of them are at Lake Richmond. Salinification of the lake could also result in the destruction of this Threatened Ecological Community.
- **Rottnest Island Pines.** Within the development area is a third Threatened Ecological Community of Rottnest Island Pines. Even if this community is allowed to stand it will be threatened by becoming an isolated island in a sea of housing and threatened by the raising of the salt water table as a result of the canals.
- **Tuart trees.** Also within the development area is a magnificent stand of Tuart trees – one of the world’s rarest forest trees. Similar to the Rottnest Island pines, even if they are allowed to stand, they will be threatened by the housing development, construction and heightened salt water table.
- **Acid-sulphates.** Dredging will release acid-sulphates with impacts and costs associated with the disturbing of, disposing of, or remediating of acid-sulphate soils.
- **Heavy metals.** The studies of marine birdlife in the area show an increase of mercury above safe levels. The dredging is forecast to release mercury and other heavy metals in the contaminated seabeds of Mangles Bay.
- **Inadequate Flushing.** Poor flushing characteristics of the artificial waterway system are likely to lead to harmful effects, such as:
 - (a) phytoplankton and algal blooms, which may be detrimental towards the health of the flora and fauna inhabiting the system,
 - (b) adverse effects on existing nursery areas necessary for fisheries,
 - (c) deterioration of Mangles Bay water quality,
 - (d) sedimentation of the waterways,
 - (e) effects on the structural integrity of the canal walls,
 - (f) seaweed accumulation and odour.
- **Pollution from vessel wastes.** Marinas are subject to pollution from fuel leaks, refueling leaks and toxic release from anti-fouling agents.
- **Ongoing maintenance dredging.** Maintenance dredging will:
 - (a) be highly expensive for the local Council
 - (b) release acid-sulphates
 - (b) destroy seagrasses

(c) adversely affect wildlife

- **Construction phase dust, noise and traffic hazards.** The construction phase would last for many years during which time Point Peron and neighbouring residential areas would suffer from numerous adverse impacts caused by the bulldozing of the bush and the construction of the artificial waterways etc.

4. Wildlife Issues

- **Penguins.** In an open letter to you Minister Greg Hunt, 27 independent Penguin experts listed at 12 scientifically-founded reasons why the canal estate would severely impact on the local Little Penguin population. They concluded, “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.” (<http://handsoffpointperon.com/impacts-issues>).
- **Australian Sea Lions.** The Australian Sea Lion is one of the rarest species of sea lion in the world. They are found only in Western Australia and South Australia with just 15 percent in Western Australia. They are given special protection by Australian State and Commonwealth Government legislation and rated Endangered by the World Conservation Union. On 11 June 2013, the Australian Government’s Recovery Plan for the Australian sea lion was adopted by the Minister for Sustainability, Environment, Water, Population and Communities. But the Mangles Bay Marina threatens the feeding grounds through the destruction of seagrass and the introduction of 500 boats with the risk of boat injuries. (<http://www.environment.gov.au/resource/recovery-plan-australian-sea-lion-neophoca-cinerea>)
- **Dolphins.** Dolphins breed and feed in the Mangles Bay area and will be threatened by the destruction of seagrass and the introduction of 500 more boats.
- **Protected birds.** 109 species of birds (Birds Australia) have been documented at Lake Richmond with 15 protected under international agreements (Japan-Australia Migratory Bird Agreement, China-Australia Migratory Bird Agreement and Republic of Korea-Australia Migratory Bird Agreement). These international agreements appear to have been ignored by the EPAs. (<http://www.environment.gov.au/biodiversity/migratory-species/migratory-birds>)
- **Pelicans.** The Australian pelican is the largest pelican in the world. The population on the Shoalwater islands was adversely affected by residential developments in Port Kennedy and Mandurah. They are reliant on nearby Lake Richmond as a source of fresh water for feeding chicks back on the Shoalwater islands.

5. Economic Issues

- **Taxpayers’ monies.** The government has so far spent in excess of \$4 million on the MBM proposal. This money would have been far better spent on creating a world class coastal park at Point Peron, consistent with the original vision and plan for the area. The government has so far failed to say how much more public money is needed but it appears that the MBM proposal is not viable unless vast amounts of taxpayers’ money are injected.
- **Due diligence and probity.** The government has not conducted adequate, transparent studies into the feasibility of the MBM project, nor into the economic costs and benefits of the MBM project compared to the original plan for a protected coastal park covering all of Point Peron, which would appear to have greater long term economic

benefits for the region and the State. There are also serious questions about the government's appointment of Cedar Woods as its private sector "development partner". This is a project that is being driven and highly subsidized by the government, where the government (through LandCorp), in the absence of a competitive tendering process, has awarded a lucrative contract to Cedar Woods under which Cedar Woods stands to reap substantial private profits from the sale of prime public land.

- **Flushing.** Professor Chari Pattiaratchi (University of Western Australia) has stated, "Although when the canal estates are first built they might appear to be ok, the problems actually arise five to 10 years after the canal estates are built. So we can't actually predict how they're going to work until a long time has passed." (<http://www.abc.net.au/stateline/wa/content/2006/s1758825.htm>)
- **High costs of canal construction.** Canal construction is a high cost, long term project with many inherent financial risks.
- **Possible bankruptcy.** Given the high cost of construction over a long term, there is a high risk of bankruptcy as occurred with the proposed Wanliss Street marina, and in Exmouth - along with many other similar developments.
- **High costs of canal maintenance.** There are significant costs associated with the maintenance of:
 - (a) revetment walls,
 - (b) dredging the canals,
 - (c) removing algal blooms,
 - (d) controlling pest species such as mosquito outbreaks.
- **High public costs of canal maintenance.** The developer plans to walk away 5 years after completing the project. As Professor Chari Pattiaratchi (University of Western Australia) says that the problems arise five to 10 years after the canal estates are built, this means the developers will take their money and run before problems arise – and leave the responsibility and costs with the public as has already happened on the following examples.
- (<http://www.abc.net.au/stateline/wa/content/2006/s1758825.htm>)
- **The Port Geographe Bay canals disaster.** The Port Geographe Bays canals resulted in accumulation of seagrass and beach erosion that cost the WA taxpayer more than \$28million to try to fix. (<http://www.abc.net.au/news/2012-11-16/multimillion-dollar-funding-solution-for-port-geographe-seagrass/4376434>)
- **The Yunderup canals disaster.** 40 years after the first canals were built, south of Mandurah, debate is raging about who should foot the bill for soaring maintenance costs. Neil Leach (Shire of Murray) said, "It's quite beyond the resources of the Shire of Murray to handle this problem... We dredged in 1999 and it cost 200 thousand dollars at that time. It now needs dredging again some six, seven years later (2006) and the estimate now is 500 thousand dollars." (<http://www.abc.net.au/stateline/wa/content/2006/s1758825.htm>)
- **City of Rockingham responsibility.** The City of Rockingham is being asked to accept responsibility for the future management of the artificial waterways. In response the City of Rockingham has stated¹:

¹ Letter to Simon O'Brien MLC dated 3 December 2014

The proponent for the 'Mangles Bay Marina' has provided information that seeks to demonstrate the financial implications associated with the City managing the waterway. From the City's assessment of the proponent's financial modelling, and through research it has undertaken, the City is not prepared to accept waterways management.

- **Insurance issues.** Concerns have been raised regarding difficulties in securing adequate insurance for properties and infrastructure located within canal estates, particularly in respect of the risks posed by sea level rise, inundation and structural failure.
- **Canal wall maintenance.** There is a significant cost for the landowner in the maintenance and possible replacement of canal walls. Experts suggest that even with regular maintenance, canal walls should be replaced every 30 years at costs up to \$120,000 for a medium-sized frontage. In practice very few homeowners even think of their walls until it is about to collapse.
- **Adverse impact on Rockingham Beach commercial and hospitality precinct.** Attempting to establish another business node at Point Peron is likely to severely impact upon Rockingham Beach by diluting its customer base and preventing its capacity to develop into a year round thriving commercial and hospitality hub.

6. Planning Issues

- **Flushing.** DCP 1.8 Canal Developments and Artificial Waterways, section 7.11 Water Circulation specifies that canals must ideally flush in **3 days** but:
 - (a) Asia Pacific (engaged by Cedar Woods) to predict flushing times concluded by saying flushing period would be between 4-14 days with a median over 12 months 6.8 day
 - (b) A peer review by Dr Jason Fantenucci, Oceanica, concurred with the Asia Pacific findings.The EPA inserted two of three paragraphs in EPA Report 1471 but left out a third paragraph stating 'it would seem to be that flushing times in excess of 10 days could potentially be an issue. Whilst it maybe outside the APASA scope, this potential should nonetheless be recognised in the context of the development.' The proponent intends to install a pump to pump sea water into the canals to push the water out but will it work? Is it practically, economically or environmentally feasible?
- **Increased traffic issues.** There will be significant increase of traffic, and truck movements and traffic noise during the construction phase of the canals. This will be followed by potential ongoing traffic congestion in and out of the canal estate.
- **Loss of public parklands.** With a rapidly growing population we need more open green space rather than less.
- **Canal estates banned.** Due to the huge ecological, economic and social impacts of canal estates, they have been banned outright in Australia's two most populous states (NSW and Victoria) as well as on the Gold Coast (after a long history of canal construction since Australia's first canal estate was carved out there in the mid 1950's). Concern about them in other states saw the The Canal Estates (Prohibition) Bill put to the Tasmanian Parliament in 2011 and a public petition called for their banning in WA in 2014.
(<http://defendingpublicspaceswa.com/2014/09/27/petition-to-ban-canal-estates-in-wa/>)

- **Homogenous housing enclaves.** The development of canal developments can lead to exclusive homogenous housing enclaves being established, which is not supported by the WAPC's Direction 2031 document that supports and promotes housing diversity within residential areas of WA.
- **Public access.** Subdivision design of a canal estate can restrict Public Access to beaches and waterways in their creation. This can adversely affect the communities that adjoin the canal estate with exclusive foreshores for private landowners - rather than general public – benefit.
- **Noise and dust issues.** There is potential for additional noise and dust being generated:
 - (a) during the construction phase and
 - (b) from recreational water craft and water pumping which exceeds the noise decibel requirements of the Health Act, creating additional nuisance for neighbours and additional enforcement requirements for Local Government.
- **Health risks.** There is potential for increased public health risks associated with mosquito borne diseases such as Ross River virus which could adversely affect the communities that adjoin a canal estate.

7. Community/Social Issues

- **Loss of public beach.** The Mangles Bay Marina will cut an entrance channel and groynes through public beach, remove Point Peron Road which currently parallels the beach and force beach access through a private residential estate.
- **Loss of public green space.** With a rapidly growing population we need more open green space rather than less.
- **Increased traffic issues.** There will be significant increase of traffic, and truck movements and traffic noise during the construction phase of the canals. This will be followed by potential ongoing traffic congestion in and out of the canal estate.
- **Failure to complete.** If the developer fails to complete canals due to economic or other reasons, the community will have lost its park and be left with an ugly hole in the ground or residential development without canals.
- **Homogenous housing enclaves.** The development of canal developments can lead to exclusive homogenous housing enclaves being established, which is not supported by the WAPC's Direction 2031 document that supports and promotes housing diversity within residential areas of WA.
- **Public access.** Subdivision design of a canal estate can restrict Public Access to beaches and waterways in their creation. This can adversely affect the communities that adjoin the canal estate with exclusive foreshores for private landowners - rather than general public – benefit.
- **Noise issues.** There is potential for additional noise being generated from recreational water craft and water pumping which exceeds the noise decibel requirements of the Health Act, creating additional nuisance for neighbours and additional enforcement requirements for Local Government.
- **Health risks.** There is potential for increased public health risks associated with mosquito borne diseases such as Ross River virus which could adversely affect the communities that adjoin a canal estate.
- **Health expenses.** The loss of public park land areas means a loss of areas in which people can exercise. Point Peron provides opportunities for both land-based and sea-base exercise facilities through walking, cycling, swimming, snorkeling, kayaking et

cetera. These activities serve a preventative function in terms of health and well being and thus reduce health costs to the community.

- **Privatisation and commercialisation** of reserved public land for exclusive housing and a marina benefit the few rather than the majority. This is not fitting with the traditional cultural and heritage values of the site which, for generations of western Australians, has been an affordable seaside location for family picnics, day trips and holidays.
- **Noise and dust issues** during the lengthy construction phase.

8. State Issues

- **Lost to all WA.** Many generations of Western Australians have been visiting Point Peron for picnics, holidays, camps and recreation. The canal estate will take the area from the people of Western Australia and give it to a private developer with the prime aim of making a profit by selling it to the rich few. No longer will it be available to the general public regardless of socio-economic status.
- **Lost unique coastal park.** Point Peron is an area with unique terrestrial, coastal and marine features as well as intense and unique wildlife that is not found anywhere else in Western Australia and very few parts of the world. The proposed bulldozing and subdivision of a large part of Point Peron will destroy forever the opportunity to establish and promote Point Peron as a world-class coastal park of incalculable value to the region, state, nation and world.
- **Lost tourism.** Multiple studies show that tourists want unspoiled nature rather than built or constructed environments. Point Peron has such unique and unspoiled natural features that, if appropriately promoted and managed, will draw significant numbers of intrastate, interstate and international tourists.
- **Lost tourism dollars.** Attracting tourists attracts tourist dollars. Creating a Coastal Park, rather than canals, will contribute substantially to the economy of the local community as well as state.

9. Worst-Case-Scenario Issues

- **Bankruptcy.** What happens if the developer goes bankrupt or the government cannot find the money for this long term, high cost, economy-dependent project? We already have the example of this happening at the proposed Wanliss Street Marina. The land will be lost to the public and we will not have the proposed marina and canal estate.
- **Abandonment of project after partial construction.** What happens if the canal construction begins and then the money is not obtained to build the highly expensive artificial waterways? Are we left with a huge irreparable hole in what was our public park?
- **Non construction of marina and canals.** What happens if the developer - after acquiring the land - decides the marina and canal construction is too costly, or simply can't find the money? Can they then decide to abort the canals and make a more short term gain by selling the land off as residential sites? We will have lost our public land and unique park to yet another suburban housing estate, based on a false pretence that the primary purpose of the development was to deliver a marina.
- **Ongoing responsibility.** The developer plans to walk away 5 years after completing project. Who then faces the consequences and responsibilities? Why should the City of Rockingham and Rockingham rate payers have to carry such a high risk burden?