

# Proposed Metropolitan Region Scheme Amendment 1280/41

## Regarding Land at Point Peron

### **Oral presentation to the Western Australian Planning Commission (WAPC)**

23 August 2017



#### ***Introduction***

1. My name is Dawn Jecks. I am here today with Brian Jenkins, to represent Hands Off Point Peron Inc. (HOPP). Thank you for providing this opportunity to address the full committee of the WAPC.
2. HOPP began as an unincorporated group in 2009. In 2012 it became an incorporated association, with the key objective of protecting the integrity of Point Peron's environment for present and future generations.
3. HOPP has a very wide supporter base, not only in the Rockingham area, but also in other parts of the Perth metropolitan area and the State with a current supporter base of over 11,000 people and growing.
4. In November 2013 HOPP made a very detailed submission in relation to the proposed MRS amendment.

5. The submission is approximately 600 pages long and contains a great deal of relevant information, analysis and expert opinion that demonstrates, overwhelmingly, why the MRS amendment proposal should be rejected. The submission contains reports from experts in virtually all relevant fields, including but not limited to:
  - a. Urban design and town planning;
  - b. Nature based tourism;
  - c. Community health and wellbeing; and
  - d. Environmental science.
6. In June 2016 a delegation from HOPP gave an oral presentation to the WAPC hearings committee, chaired by Mr Hiller. We also provided a copy of the presentation to the hearings committee.
7. In the limited time available to us today we can't possibly cover all aspects of HOPP's submission, so we urge you to read the submission yourselves, if you haven't already done so.
8. Today I intend to focus on some of the most compelling reasons why the proposed MRS amendment should be rejected.
9. In summary, HOPP submits that the proposed MRS amendment, and the development proposal behind the amendment, are fundamentally at odds with sound planning principles and with the State's own planning policies. HOPP submits that any fair and diligent assessment would inevitably reach this conclusion.
10. To be honest with you, HOPP is concerned that the proposal has got this far, given its deep flaws and unpopularity.
11. HOPP submits that the longstanding planning blueprint for Point Peron should be adhered to, not overturned by allowing this MRS amendment. This course of action will allow for the establishment of a world class coastal park covering Point Peron and Lake Richmond, bringing many economic, social and environmental advantages.

### ***Background***

12. The landmark 1955 Stephenson / Hepburn Report for Perth earmarked this land and the rest of Pt Peron for permanent public open space (refer Stephenson and Hepburn 1955, 236).

13. In 1964 the Commonwealth transferred the land to the State on condition that its future use would be “*restricted to a reserve for recreation and / or park lands*”<sup>1</sup>. The plan was for the land to be turned into an “A” class reserve.
14. In 1968 the Commonwealth confirmed that the land must not be used “*for private industrial, commercial or residential development*”.<sup>2</sup>
15. In 2000 most of the land was declared “*Bush Forever*” by the WA government and was incorporated into the Rockingham Lakes Regional Park, vested with the Conservation Commission.
16. The proposed development and MRS amendment is in clear breach of the Stephenson Hepburn Report, the 1964 Agreement and the Bush Forever status of the land.

***Does the proposed marina stack up?***

17. The so called “Mangles Bay Marina” (MBM) is said to be the justification for the MRS amendment, and associated destruction of 40 hectares of Bush Forever and selling off of much of the land. But does the marina stack up? The answer is emphatically **no**, for the following reasons:
  - a. The marina is a canal marina. A canal is defined as “an artificial waterway constructed to allow the passage of boats or ships inland”, which is exactly what we have here. The Premier has repeatedly stated, both before and since the 2017 State election, that he does not support canal developments. So it is clear that Premier and the Labor government has a mandate from the electorate to reject the canal marina proposal. This in itself is sufficient ground to reject the MRS amendment.
  - b. There is no demonstrated need to build the marina at this site. The MRS amendment Report refers to the *Perth Recreational Boating Facilities Study 2008 – Technical Report No 44*. However, this study does not recommend a marina at this site. It merely recommends a marina in Rockingham and refers to two options – the MBM proposal and the Wanliss Street marina proposal. It does not express preference for one over the other, but it points to difficulties with the Point Peron proposal ‘due to environmental concerns’<sup>3</sup>.

---

<sup>1</sup> Refer report of Dr Ron Chapman (Attachment 5 of HOPP submission)

<sup>2</sup> Refer report of Dr Ron Chapman (Attachment 5)

<sup>3</sup> at page 52

- c. In the time since that Boating Study was published the Wanliss Street marina proposal (aka Port Rockingham marina) has received planning approved and has shown itself to be a far better option, being a deep-water ocean marina located adjacent to the existing commercial and tourist hub of Rockingham Beach. There is no demonstrated need for a second marina at Pt Peron.
- d. The marina proposal is beset with enormous practical problems and one delay after another. It is a completely inappropriate and ill-conceived proposal for this location.
- e. The marina is not financially viable. The cost of construction of the marina and associated infrastructure would far exceed the income that would result from the sale of surrounding land for housing and other purposes.
- f. It cost \$440 million to build Elizabeth Quay (EQ), which is a directly comparable project – i.e. an excavated inland water body for boat access and surrounding development. The MBM would cost a lot more to build than Elizabeth Quay because:
  - i. it is over 5 times as big – 800,000 cubic metres as against 150,000 cubic metres;
  - ii. Elizabeth Quay was built using dry excavation method, which is much cheaper than the wet excavation method (i.e. dredging) required for the MBM

So it is obvious that the MBM business case simply doesn't hold up.

- g. There is no waterways manager. The MRS amendment report (at page 8) says the proponent “has committed to confirming a waterways manager for this marina, prior to the amendment being considered by the WAPC for a final determination”. Mr Lumsden has confirmed that the WAPC supports this requirement (see Mr Lumsden's letter to HOPP dated 13 April 2017).
- h. Despite several years trying to persuade the City of Rockingham to take on this role, the proponent has failed to secure a waterways manager. This is due to the high costs and risks associated with the maintenance of the waterways. This failure to secure a waterways manager is in itself grounds for rejection of the MRS amendment.
- i. The proposal is extremely unpopular and opposition continues to grow, both locally and in the wider Perth community.

- j. The proposal is environmentally irresponsible. It would result in unacceptable environmental destruction and risk, including but not limited to:
- i. Loss of 40 hectares of Bush Forever;
  - ii. Loss of seagrass and vital fish nursery habitat;
  - iii. Inadequate flushing of the canals;
  - iv. Ongoing silting up requiring never-ending dredging;
  - v. Increased penguin mortality; and
  - vi. Risk to the threatened ecological communities at Lake Richmond.

***There is a high risk that the land will be used just for housing***

18. The centre-piece and rationale of the proposal has always been a marina. The proponents have never tried to justify the taking of this public land and the bulldozing of the Bush Forever for just another housing estate. However, we are very concerned that this is exactly what will happen if the MRS amendment is approved.
19. Even in the unlikely event that the proponent is able, after many years of land sales, to raise enough money to build the marina, they would have no incentive to build the marina because *not* building it would be far more profitable. It is very telling that there is no legally binding obligation on the developer to build the MBM marina or any other kind of marina.
20. This means there is a very high risk that the core purpose of the MRS amendment would not be achieved. If the land is re-zoned 'Urban' as proposed, the developer will be able to simply bulldoze the Bush Forever and sell off all the land for housing. This would be an absolute travesty and amount to a flagrant deception of the community, which has always been told that the justification for taking this precious public land is to build a marina.

***There is no demonstrated need for housing***

21. The MBM proponents and the MRS amendment report have not demonstrated, or even attempted to demonstrate, that there is a *need* for a housing development at this site, or that the taking of this land for housing without building a marina is justified.
22. There is no public support for allowing the destruction of this Bush Forever public land for the sake of a private housing estate.
23. **The high risk that housing, without a marina, would be the net result of the MRS amendment, combined with the failure to show any *need* for housing at this site amounts**

to a fundamental flaw and sufficient reason in itself for the rejection of the MRS amendment.

***There are also other serious planning defects***

24. Time does not permit me to provide details of the many other planning standards that the proposed development fails to meet. However, I would like to mention a few key defects.
25. The proposal does not meet the State's sustainable land use and development requirements. State Planning Policy 2.6 defines "sustainable" as follows:
- Sustainable means achieving as much as possible with as little as possible. This requires current generations to minimise consumption and imports on natural and other resources in order to continue their activities in the long-term and maintain future options. It involves wealth creation, while preserving our natural, biodiversity and ecosystem integrity and cultural heritage, for the benefit of current and future generations.<sup>4</sup>*
26. The MRS amendment report (at page 9) contains only a short and very unconvincing comment about sustainability. In contrast the HOPP submission contains detailed analysis and expert evidence showing the project's lack of sustainability and the overwhelming economic, environmental and social benefits (i.e. "triple bottom line" benefits) in keeping the land in public hands and integrating it into a high quality coastal park covering Pt Peron and Lake Richmond.
27. The proposed MRS amendment is at odds with the philosophy outlined in State Planning Strategy 2050, and the draft Towards Perth and Peel @ 3.5million, and with the EPA's strategic advice regarding the latter document (see Attachment 23 of HOPP submission).
28. The reference in Towards Perth and Peel @3.5 million to the land as "Urban Expansion" carries no weight or credibility for the reasons set out in Attachment 1 at page 43 of HOPP's submission. There is no sound or rational planning basis for expanding the Urban zoning to Pt Peron.
29. HOPP's submission sets out detailed expert analysis that shows the proposed MRS amendment would not comply with the following State Planning Policies:
- a. State Planning Policy No. 2 – Environment and Natural Resources;
  - b. State Planning Policy No. 2.6 – Coastal Planning;
  - c. State Planning Policy No. 2.8 – Metropolitan Bushland; and
  - d. State Planning Policy No. 3 – Urban Growth and Settlement.

---

<sup>4</sup> See SPP 2.6, Section 7, Definitions.

30. The land subject to the proposed MRS amendment is a place of high amenity, appreciated greatly by a vast number of people. The land is a vital and integral part of the amenity of Point Peron as a whole.
31. The proposed MRS amendment would have a profoundly negative effect on the amenity of the land and Point Peron as a whole, for the reasons set out in HOPP's submission, based on the expert reports contained in the submission.

***We also have concerns about probity and process***

32. Time does not permit me to go into details of our serious concerns in this regard. We spoke about these concerns at some length in our presentation to the hearings committee . Details and evidence are also contained in HOPP's November 2015 submission. Our concerns relate to questions of due diligence, fairness, procedural irregularity and conflict of interest.

***Concluding comments***

33. In conclusion, we urge the WAPC to show leadership and common sense by standing up for the longstanding planning blueprint for Point Peron and rejecting this amendment proposal.
34. In our respectful submission, based on a great deal of research and expert advice, the approval of the proposed MRS amendment would bring Western Australia's planning regime into disrepute.
35. Mr Stevenson and Mr Hepburn got it right about Point Peron. So did the Premier and Prime Minister in 1964, so did the WA government in 2000 when designating the land Bush Forever. The need for Pt Peron to stay as public open space with its Bush Forever being just that – “forever” - is ever greater by the day, as Perth expands and intensifies.
36. Thank you very much for listening.

\*\*\*\*\*