

Metropolitan Region Town Planning Scheme Act 1959  
**Section 33 Amendment (Substantial)**

**SUBMISSION**

**METROPOLITAN REGION SCHEME AMENDMENT NO. 1010/33**

**PORT CATHERINE**

The Coogee Coastal Action Coalition (CCAC) of 4A Nunn Street, Hamilton Hill, WA 6163, make a submission in relation to the above mentioned proposal to amend the Metropolitan Region Scheme. The submission is in report format and includes both planning and environmental issues for consideration by both the WAPC and the EPA.

## **1.0 Coogee Coastal Action Coalition (CCAC)**

The Coogee Coastal Action Coalition (CCAC) was formed by about thirty residents at a meeting at Manning Park on Saturday 9th February 2002. The CCAC already has a membership of more than 60 people including some of Coogee's oldest residents as well as a diverse mix of individuals from Fremantle, Hamilton Hill, Spearwood, Bibra Lake, Coolbellup, and Wattleup. The CCAC includes representatives from several other community groups including the Friends of Manning Park, Coogee Progress Association, COMNET, and Friends of Clontarf Hill.

The purpose of establishing a new group was to ensure the community's views relating to the Port Catherine site and surrounding areas were promoted in an integrated manner. The CCAC's primary role at this point in time is to ensure that decisions regarding the site will not be made until the relevant information required to make such a decision has been prepared and is made publicly available in a coherent manner. The CCAC believes that community objectives for the area have not been established and that the current planning process is ad hoc.

## **2.0 CCAC's Principle Concerns**

The CCAC claims that whilst different levels of government have been planning the Port Catherine marina and residential canal development for years, there has been a complete failure to meaningfully consult with the community. Many residents of Cockburn and surrounding areas have little or no knowledge of what is being proposed or where the site actually is. There is considerable confusion regarding the nature of the development and the MRS Amendment process and some of this has been caused by misinformation circulating in the community.

The CCAC emphasises that it supports the sustainable redevelopment of all of the former industrial areas at both North and South Coogee. The members have unanimously agreed that the long standing objective of relocating the noxious industry out of the Amendment Area has considerable planning merit. The CCAC supports the establishment of an Urban zone in this area provided it is properly integrated with the community's regional recreational needs and that it compliments the established social and environmental values and objectives for the area.

However, the CCAC is greatly disturbed by the Port Catherine proposal and the associated MRS Amendment as collectively they fail to deliver a sustainable redevelopment outcome and totally compromise the core social and environmental values of the area. The CCAC has identified ten major concerns with the Port Catherine proposal, namely:

1. The loss of existing beaches and foreshore recreation areas and the subsequent reclamation of the ocean to develop an exclusive canal style residential development and marina, representing a failure to sustainably balance the competing recreational needs of the region now and into the future;
2. The potential erosion of the main beach at Coogee resulting from the construction of the new breakwaters, including the inability of the existing narrow foreshore reserve to withstand such erosion and the likelihood that additional engineered coastal structures will need to be established because of the marina;
3. The devastating impact that the proposed Urban zone will have on the core ecological, landscape, amenity and social values associated with the coastal foreshore and the ridgeline, together with the disintegration of the existing and planned network of open space corridors that were to provide invaluable physical and visual linkages between these features and other surrounding open space and conservation reserves such as Woodman Point, Beeliar Regional Park and Manning Park;
4. The further degradation of the once overwhelmingly beautiful natural features of the coastal and marine environment, including the substantial further loss of remaining nearshore seagrass and the impacts on important coastal flora and fauna local to the area;
5. The lack of remediation of obsolete industrial infrastructure that currently impacts on the coastal zone coupled with the loss in perpetuity of any possible enhancement of the foreshore due to the failure to re-establish a continuous foreshore reserve, including concerns relating to the proposed retention of existing breakwaters and the proposal to establish an Urban zone extending to the high water mark;
6. The loss of public ownership of the foreshore and adjoining marine environments and the significant loss of planning controls over such an important area, including the inappropriate use of an Urban zoning in lieu of a Reservation for Public Purposes for what is promoted as a public marina, and the lack of demarcation between private and public space resulting from the failure to establish a Parks and Recreation Reserve along the foreshore;

7. The poor environmental management of the existing area that has led to its degradation, including poor coastal management relating to unauthorised vehicle and recreational activities in sand dunes and other open space areas, and the state of the existing quarry and associated public safety concerns;
8. The lack of integration between the proposed redevelopment and adjoining areas such as the old Power Station and the failed industrial park at North Coogee, including concerns relating to the exclusive nature of the estate style development;
9. The extent and nature of the clean up of the toxic waste left behind by industry, including the methods used to remove the contamination, and the methods of disposal; and

10. The lost opportunity for the Government and the whole community associated with not stepping back from such an outdated development proposal, and the failure of a Government that controls so much developable land in the area to put into practice its own strategies for environmentally sustainable development, the better integration of land use and public transport, development of urban villages and a balanced approach to coastal planning.

### **3.0 MRS Amendment Process**

The CCAC notes that the MRS Amendment was advertised by the Western Australian Planning Commission (WAPC) in the prescribed manner in that advertisements were placed in newspapers and a sign was erected on site. For the record, it is noted that the only sign observed by the CCAC was sited on the east side of Cockburn Road south of Ahoy Road. This sign was removed on or about the 12th of February, 2002.

The CCAC accepts that the advertising may have been in accordance with the prescribed requirements, except that the sign was not maintained for the duration of the comment period. However, the extent of advertising carried out by the WAPC is considered to be wholly inadequate for such a substantial change to the area.

The sign erected was very small and could easily have been mistaken as an obsolete commercial sign associated with past activities. Even if noticed by drivers passing, it could easily have been assumed that it applied only to the immediately adjoining property. The size of the text of the sign did not allow it to be read whilst driving past it at the 70 km/h speed limit of Cockburn Road, and slowing down or stopping to read the sign would have presented a great danger on this part of Cockburn Road. The sign was not located in an area where people walk such as the dual use path on the opposite side of the road. The sign gave no indication that the sand dunes and the beach were about to be rezoned or that the seabed was about to be reclaimed.

Signage for such a proposal should be significantly improved. By contrast, it is interesting to note that when Governments want to promote a new road or a major project, or a developer is building a new building, large legible signs are always erected. The WAPC should have set up a main display board in a publicly accessible part of the site, and set up other signs at strategic locations to attract public attention to the extent of the proposed rezoning. The main display board should have included the MRS amendment map, an aerial photograph showing the boundaries of the Amendment Area and the different zones within it, an outline of the proposal and description of possible land uses within each zone.

The CCAC does not believe that the WAPC has demonstrated a satisfactory commitment to public consultation. The WAPC should urgently reconsider its outdated approach to community consultation. This is especially important for landuse considerations that affect highly valued environments such as coastal zones. If communities are going to be asked to comment on such proposals, it should be incumbent on the WAPC to provide, in an accessible manner, a full disclosure of all relevant information. The MRS Amendment Report provides such a scarcity of information that it is hardly worth producing. The comparison between the substantial

information provided for the environmental assessment of a proposal that may, or may not proceed, is in stark contrast to that provided for the rezoning of the land.

The MRS Amendment Report should provide the community with information regarding relevant strategies and policies that apply to the area or apply generically to the proposal, together with an assessment of the proposed amendment against each of the relevant policies and strategies. It should provide information regarding the possible extent of development that can occur in each of the proposed zones as well as the currently proposed development if one exists. It can only be presumed that such detailed reports are actually produced for the commissioners to enable them to make informed decisions. Clearly, it would be incomprehensible to think that such important decisions are based on the level of information currently available in the Amendment Reports.

Governments have long insisted that local authorities conduct rigorous and transparent decision making processes. However, the WAPC's processes are perceived by the community to be neither rigorous or transparent. It is imperative that changes are made to the WAPC's decision making system if there is to be any confidence in the process. This is of particular importance where the WAPC appears to be both the developer/proponent and the decision maker, as is the case with Port Catherine.

The CCAC believes that the broad community of interest in relation to the Port Catherine development has been effectively excluded from the planning processes to date, including this amendment process. This is evidenced by the extensive confusion held in the community regarding this proposal. Too many people in the community are confused about where Port Catherine is and what the development is to provide in the way of public facilities. This confusion is evidence enough that the WAPC has failed to adequately inform the community in a manner that should underpin proper consultation.

The CCAC, together with individual ratepayers of the City of Cockburn, requested that the Council, conduct a public forum to provide an opportunity for details relating to the proposal to be made available and to allow for some degree of debate prior to the expiry of the amendment consultation period. This opportunity has not been provided and the CCAC was advised by some elected members of the Council that the MRS Amendment was a *fait accompli* and that the community's opportunity to discuss the nature and extent of development appropriate to the site would be made available only after the area was rezoned to Urban.

The CCAC is concerned that both levels of Government are proceeding to the redevelopment phase of this project without adequate community consultation. The consequence of this approach in a coastal zone was clearly demonstrated at Leighton Beach. Indeed, there are disturbing similarities between the WAPC's involvement in that process, which ultimately lead to a planning debacle, and the processes that are currently being engaged by the WAPC with regard to Port Catherine.

The Government of the day has promoted that coastal planning is to be significantly improved, however this current process underscores the fact that there has been no substantial change to the WAPC's approach to coastal planning issues. The WAPC is encouraged to take careful note of the points raised in this submission so that a

sustainable outcome that generates genuine public benefit now and into the future can be achieved in this area.

## 4.0 Relevant reports and strategies

It is understood that the State Agreement with Port Catherine Developments Pty Ltd (PCD) requires that the WAPC coordinate the statutory planning processes associated with this site and that PCD are required to obtain necessary approvals including Metropolitan Region Scheme (MRS) and Town Planning Scheme (TPS) amendments. The Agreement remains confidential and therefore the public have no capacity to know the extent of the relationship between the WAPC and PCD. It is therefore difficult for the public to have confidence that the WAPC is assessing this Amendment independently of its role as a quasi joint venture partner in the development. It is worth noting that many people in the community, and indeed at some levels of government bureaucracy, have stated disparagingly that approval of this Amendment is a *fait accompli* because it requires the WAPC to self-assess its own project.

To gain community confidence in this instance will require a special level of transparency in the decision making process. The WAPC's function is to consider the strategic planning merits of the proposed amendment in the context of regional and State planning strategies and policies. It should not be concerned by who the 'developer' is but whether the rezoning can be demonstrated to be in the community's best interest. The WAPC must make a sound and transparent strategic planning decision based on all of the evidence, not just that put forward by the 'developer'. Most importantly, the WAPC must not make a political decision for that is the role of the elected Members of Parliament.

If there is to be any level of community confidence in the decision making process, the WAPC must make a clear distinction between strategic planning objectives that have been developed through the normal planning process and those directives that have essentially been promulgated through the political process. This is not to dispute the validity of political decisions that have been made; rather it is to strengthen them by distinguishing them.

The Government's requirement that normal planning and environmental approvals be obtained for the Port Catherine project is clearly intended as an essential ingredient in defusing any potential public perception that Government promoted projects might not be properly planned and environmentally scrutinised. It is clearly the political directive of the Government to ensure that the project be treated as a normal development proposal, nothing more, nothing less. Documentation put forward in support of the Amendment by the 'developer', which in this instance includes the former Department of State Development (DSD) and the WAPC, must be tested against the strategic principles, objectives, strategies and plans laid down by the state and local planning authorities. Unfortunately, the distinction between strategic and statutory planning on the one hand, and project development on the other hand, may prove difficult because of the historic lack of clarity between these sections of Government.

The CCAC seeks an assurance from the WAPC that the following documents that directly relate to the Amendment Area will be assessed on the basis that they were intended and that it will not distort the importance or function of particular documents because of any political imperative:

**System 6 Red Book (1983)**, Dept. of Conservation and Environment - an important strategic document. The Amendment should be considered in relation to the recommendations relating to areas M90 and M92.

**Coogee Redevelopment Agreement (1988)** City of Cockburn & State Government (Minister for Economic Development and Trade) - of all the documents, this is perhaps the most difficult to classify as it is the genesis of all land use planning in the area over the last fourteen years. On the one hand it is clearly a political directive since it is an agreement between two levels of government, and was signed by the Minister for Economic Development & Trade and not the Minister for Planning. On the other hand, the recommendations are essentially those of a regional strategy for the area. The CCAC accepts that this document represents the beginnings of a legitimate regional strategy with the exceptions that its preparation was not informed by land or coastal capability assessments and was not subject to full environmental or planning scrutiny. Therefore the directions set out in this document have some validity, however the implications of the recommendations must also be subject to environmental and planning review as part of this Amendment process.

**City of Cockburn TPS No.2 (1992)** - clearly a statutory document developed from a strategic planning base. As the TPS was developed to be consistent with the Coogee Redevelopment Agreement, it represents an important document that the WAPC should have regard to in relation to the Amendment Area.

**Beeliar Regional Park (1992)**, Dept. of Planning and Urban Development - an important strategy document that includes recommendations that directly impact on the Amendment Area. The WAPC should have regard to this document in determining the appropriate configuration of Parks and Recreation Reserves within the Amendment Area.

**Coogee Master Plan (Jan 1993) & Addendum**, Dept. of State Development - the MRS Amendment Report states that the "*rehabilitation of a former noxious industrial area in South Coogee and its redevelopment as a marina and residential area was initially embodied in the Coogee Master Plan...*". However, as stated above, the rehabilitation and redevelopment had its genesis in the Coogee Redevelopment Agreement. In addition, the correct reading of the Coogee Master Plan and Addendum reveals that the residential marina component of this development was not endorsed. It is this type of misleading statement, which refers to the concept of a marina as being a concrete part of previous planning, that greatly disturbs the CCAC. The WAPC must not elevate the production of this document to the status of a definitive strategic validation of the proposed Port Catherine development.

The Coogee Master Plan - Final Report was published by the Department of State Development (DSD) which was essentially the 'developer' of the site. Indeed, the document was produced by consultants who were simultaneously working for

Consolidated Marine Developments (Aust) Pty Ltd (CMD), DSD's preferred tenderer for the site.

Notwithstanding that the Coogee Redevelopment Plan refers only to *"the possibility of a marina being developed with associated resort and commercial facilities"*, DSD incorporated CMD's proposal for the marina development into the Coogee Master Plan "without review". Therefore the document does not, in any meaningful manner, provide strategic justification for the marina proposal; it simply presupposes that it is to be developed.

Likewise, the Coogee Redevelopment Agreement indicates that some of the Coogee Open Space will be rezoned to allow residential development with "the amount to be determined by the due procedures of the State Planning Commission and the Environmental Protection Authority". The Coogee Master Plan again simply adopts CMD's proposal to redevelop the Coogee Open Space almost exclusively as residential. As this was again without review it clearly does not amount to the "due procedures" envisaged. It is the current MRS Amendment process that provides the first legitimate opportunity for there to be due planning and environmental consideration relating to the extent to whether the Coogee Open Space can be utilised for residential development.

However, the most critical aspect of the Coogee Master Plan was that soon after it was published by DSD in January 1993, numerous important events occurred that significantly impacted on the Plan. This resulted in the inclusion into the report of an official Addendum which incorporated the Coogee Revised Concept Plan to replace the Coogee Master Plan. The addendum clearly recommends that the *"residential/marina development component of the Master Plan not be endorsed at this stage, and that the future land use pattern of the South Coogee area remain in accordance with the current zoning, as shown in the (Coogee) Revised Concept Plan"*. The Revised Concept Plan indicates only that the land component of the subject Amendment Area be zoned for a yet to be determined mix of *"Residential, Parks and Recreation, (and) Controlled Access Highway (subject to planning and environmental approval)"*. At no stage do the documents suggest that a reclamation of the marine environment for a residential canal development was appropriate.

The Coogee Master Plan, as a planning document, is consistent with a 'local structure plan' because it was prepared by the landowner and it deals primarily with details such as infrastructure and implementation. It can not be considered as a 'district structure plan' which would usually be prepared by the local authority in conjunction with the WAPC. It is certainly not a 'regional structure plan' or a 'regional strategy' as it was not prepared by the Ministry for Planning on behalf of the WAPC.

As a local structure plan, the Coogee Master Plan pre-supposes that the Port Catherine development is to proceed. It is a useful document in that it provides a reasonable insight into the nature of the proposed development. However, it was not born out of a strategic review of the region and it does not provide any comprehensive review or assessment of how best to plan for the immediate area. It does not assess all land use requirements and is not informed by land capability assessment. It is simply a statement of the infrastructure required for a single predetermined development proposal coupled with a detailed implementation strategy to achieve the development. It does not consider any possible alternatives.



The WAPC, through the MRS Amendment process, must test the validity of the developer's proposal as outlined in the developer's local structure plan. This assessment must be against the established regional objectives for the area as outlined in the other documents noted herein. However, the WAPC must not solely rely on the developer's proposal as justification for the project, as perhaps is implied in the Amendment Report.

In summary, with regard to the Port Catherine MRS Amendment assessment process, the Coogee Master Plan is simply a copy of the developer's original Concept Plan and it provides no planning guidance as to the merits of the Amendment. In any case, the CMD's Concept Plan was subsequently not even endorsed in the Coogee Master Plan due to the release of the Addendum to the Plan. It therefore provides no objectives or parameters relevant to the assessment of the MRS Amendment.

**Integrated Coastal Management Strategy (1999)** - City of Cockburn - a strategic planning and management document covering all of Cockburn's coastal zone. The Strategy was the subject of extensive community participation and consultation. A political decision was made by the City of Cockburn to instruct the consultants to prepare the report on the basis that the Port Catherine development would proceed. However, the details of the developer's proposal were unavailable at the time of the preparation of the report and therefore the Strategy defines principles and opportunities for the site together with planning and environmental recommendations. As a legitimately prepared coastal planning and management strategy, the WAPC and the EPA should have regard to its recommendations in assessing the MRS Amendment.

**Port Catherine Agreements 1997 & 2000** - The WAPC obviously has regard to these clearly political directives to the extent that it is the responsible agency administering the Government's undertakings in the Agreements. However, with regard to the MRS Amendment, the WAPC should treat these Agreements, with which it is in a privileged position as a party to them, simply as statements of the developer's intent. To consider these Agreements as strategic planning documents would be to jeopardise the Government's intent that the project be subject to normal planning and environmental assessments.

## 5.0 Review of Planning History

### 5.1 Planning Background

In the section above it was noted that the MRS Amendment Report states that the *"redevelopment as a marina and residential area was embodied in the Coogee Master Plan"*. The Report also outlines the development of the two project agreements that have been entered into by the State Government and Port Catherine Developments (PCD). The summary of the relevant planning history provided by the WAPC is wholly inadequate and lacks the depth and rigor that an independent assessment of events should include.

The CCAC has reviewed all of the relevant planning history for the Amendment Area. In addition, the "Case History of Port Catherine Marina & Residential Canal Development at Coogee Beach" (Feb 2002), prepared by the Coastal Planning Coalition, has also been considered and is attached to this document.

Fourteen years have passed since the State Government and the City of Cockburn signed an agreement in relation to the Amendment Area and adjoining sites. The Coogee Redevelopment Agreement was principally focused on land use rationalisation and land redevelopment. In relation to the redevelopment of the Amendment Area, the main focus of consideration was the central land area contained between Cockburn Road and the existing Primary Regional Road Reservation. The possibility of a marina was mentioned only in passing, and was not described in any detail in words or on the plan.

Notwithstanding, that fourteen years have now passed, there remains insufficient justification for the WAPC to indicate that a marina forms part of a comprehensive strategic plan for the area. The CCAC is most concerned that the WAPC may, in assessing this Amendment, assume that the marina concept has been previously legitimised, in planning terms, through documents such as the Coogee Master Plan. It is imperative that the WAPC be aware of the whole planning history for the site and the CCAC commends to the Commissioners the case history prepared by the Coastal Planning Coalition.

The review of the history of the Amendment Area indicates that the strategic planning can be categorised into three main sections, namely:

- \* the central area - identified as "area 4" in the Coogee Redevelopment Agreement and the "Residential R15" zone in the Town Planning Scheme No.2;
- \* the foreshore area - the area west of Cockburn Road identified as Parks and Recreation in the Coogee Redevelopment Agreement and the TPS No.2 and as dealt with in terms of coastal planning and management issues in the City of Cockburn's Integrated Coastal Management Strategy; and,
- \* the ridgeline - the area to the east of the alignment of the existing Primary Regional Road (PRR) Reserve including the Coogee Open Space, regional open space associated with the System 6 recommendations (M92) and the Beeliar

Regional Park, and as identified as "area 5" in the Coogee Redevelopment Agreement and as Parks and Recreation in TPS No.2.

## 5.2 The central area

The review clearly shows that there has been a well developed strategy that supports consideration of the rezoning to Urban of most of the land in the central area. The CCAC looks forward to the development of a structure plan for this portion of the site and urges that it be developed through a 'design by enquiry' process to maximise community participation.

## 5.3 The foreshore area

By contrast to the central area, the proposal to rezone to Urban the whole of the foreshore area and northern half of the seabed is not clearly supported by the relevant strategic planning documents for the area. On one hand, there has been some suggestion of the "possibility" of a marina both in the Coogee Redevelopment Agreement and in the City of Cockburn Town Planning Scheme No.2. On the other hand, both documents clearly indicate a continuous coastal foreshore reserve west of Cockburn Road. The reference to the "possibility" of a marina in the Coogee Redevelopment Agreement is weak when compared to other clear objectives requiring the "upgrade with full public access" to the beaches, "including the beach-front south of the Power Station". There is considerably more emphasis in these documents on retaining and upgrading the beaches than there is on the possibility of a marina. The WAPC must not ignore these other more important objectives in favour of its own marina proposal.

The location of the currently proposed marina conflicts with that identified for the possible marina. The plans contained in both documents indicate the possible marina was to be located at the southern end of the Amendment Area coinciding approximately with the existing parallel groyne in that location. It can only be assumed that an initial site assessment indicated that the marina could replace the existing parallel groynes without the loss of any substantial area of white sand beach. In the same two documents the large stretch of beach to the northern half of the Amendment Area is identified as a Parks and Recreation Zone only. However, the current concept plans and the MRS Amendment reverse this inter-relationship by positioning the marina to the northern white sand beach, and retaining the foreshore that is so severely compromised by the old parallel groyne. The WAPC can not assume that the current proposal is the same as that discussed as a possibility in the two relevant documents.

The Town Planning Scheme's Additional Use zone notes that the southern half of the Amendment Area is "subject to investigation for a recreational marina and associated residential and resort facilities". Of importance here is to clarify the use of the terminologies "investigation" and "recreational marina".

In relation to the stated need for "investigation" it is highly questionable whether the developer's production of numerous concept plans over a long period of time satisfies, or substitutes the need for, this requirement. The CCAC has not located any report or investigation relating specifically to the need for a new recreational marina for this area. Equally, there has also been no evidence that if such a facility was warranted, that other sites have been considered. By contrast, the City of Cockburn's Integrated Coastal Management Strategy has reported on the regional community's recreational

needs for this coastal zone. Notwithstanding that the production of this report took into account the Port Catherine proposal, the report highlights that the Amendment Area should be developed into a "district recreational node" including adequate, rehabilitated and publicly accessible foreshores. In relation to boating priorities, the report mentions a need for boat launching facilities but does not specifically identify a need for boat moorings except to say that there should be "better integration and sharing of port/harbour facilities".

The CCAC believes the WAPC needs to acknowledge the findings of the coastal recreational study that supports the beaches in the Amendment Area being retained for use as a district recreation node. Alternatively prior to further consideration of the rezoning, the WAPC should require that an independent comprehensive assessment of the community's coastal recreational needs be conducted. Such an assessment should include consideration of the relative need for additional boating facilities, the capacity of the marine environment to accommodate additional boating, the equitable allocation of coastal resources for different activities, appropriate locations (if any) for the siting of new facilities, identification of the most sustainable usage of boats so as to optimise recreational access to the marine environment and inter-generational equity in relation to coastal recreational needs.

As noted above, the Additional Use Zone noted in the TPS No.2 is subject to the investigation of a "recreational marina". A marina implies a protected harbour for the mooring of boats. A recreational marina implies that the boat mooring facilities are provided for boat usage associated with agreeable enjoyment and entertainment. The so called residential marina proposed in the Port Catherine development includes only a very small portion that could be defined as a recreational marina (15% of the total area enclosed by breakwaters) with the rest of the breakwater enclosure being predominantly reclaimed for housing (66%) and associated canal style waterways servicing the housing (19%). It is interesting to note that the Port Catherine marina is compared by the developer's to the Hillarys marina. However, the comparison indicates that when compared to Hillarys, which is predominantly a true marina (61% water body), the Port Catherine proposal must be described as predominantly a reclamation project with canal style waterways and a small boat harbour. Indeed, the developer's assert that Port Catherine is one third the size of Hillary's, however, the area enclosed by breakwater is comparable. The WAPC can not make the assumption that historical recording of the possibility of a recreational marina subject to further investigation can somehow automatically be translated into support for a development that is predominantly a reclamation of the seabed for canal style housing.

The WAPC must conclude that in relation to the foreshore zone of the Amendment Area, the strategic planning carried out to date indicates the following:

- \* that the land west of Cockburn Road is identified to be zoned predominantly for Parks and Recreation and used predominantly as a regional recreation node with publicly accessible beaches;
- \* that the proposed Urban zone over the existing Waterways Reservation, as currently located, has not formed part of any previous planning;
- \* that the requirement for the possibility of a recreational marina to be investigated has not been adequately addressed to date, and that subsequent

studies have indicated that the best use of the site is for a district recreational node with beaches; and,

- \* that canal style housing incorporating substantial reclamation of the seabed is not consistent with any possible recreational marina previously described in the strategic planning documents for the area.

#### **5.4 The ridgeline**

In relation to the land east of the existing PRR Reserve, the strategic planning to date overwhelmingly supports the majority of this land being zoned Parks and Recreation. Whilst the original intent for the land, known as the Coogee Regional Open Space (refer MRPA reservation in 1963), was for a buffer zone between the noxious industry and residential areas, all subsequent strategic planning documents have typically identified that the area be zoned for Parks and Recreation. These are summarised below:

The land was first identified as suitable for Parks and Recreation in 1983 with the release of the System 6 Red Book (included in the M92 recommendations relating to the Cockburn Wetlands Western Chain).

In 1988, the Coogee Redevelopment Agreement between the City of Cockburn and the State Government indicated that some areas *"which lie in the Parks and Recreation Reserve will be rezoned to Residential, the amount to be determined by the State Planning Commission and the Environmental Protection Authority"*, and that all remaining areas be Parks and Recreation.

The City of Cockburn Town Planning Scheme No.2, promulgated in 1992, retained the whole of the area as Parks and Recreation, as is consistent with the MRS reservation.

The Beeliar Regional Park (DPUD) report which was also released in 1992 recommended that *"the retention of open space linkages between Manning Lake, Coogee open space, the coast and the Market Garden Swamps should be a priority"*.

In 1993, the EPA provided advise on the landscape values of the ridge in the Coogee Open Space and defined the 25 metre (AHD) contour as the preferred maximum height of development in order to maintain the integrity of the limestone ridge as an unbroken north-south feature.

The City of Cockburn's Integrated Coastal Management Strategy (1999) identified the values associated with the Spearwood Ridge System of which the Coogee Open Space is an integral part. It recommended that the form of the slope and the landscape values associated with the ridge system be maintained.

In essence, the strategic planning for the area has identified that the majority of the Coogee Open Space should be retained as a Parks and Recreation Reserve. As anticipated by the Coogee Redevelopment Agreement, the EPA assessed the values of the ridgeline and have recommended that the 25 metre AHD contour be the upper limit of interference to the ridge. Provided ridge areas above the 25 metre contour are

retained as Parks and Recreation and that open space linkages are maintained between this open space and Manning Park, the beaches, and the Market Garden Swamps, then the established strategic objectives will be met.

However, the proposed MRS Amendment fails to satisfy these established strategic objectives. The proposed Urban zone west of the existing PRR Reserve extends significantly above the 25 metre contour and the realigned PRR Reserve actually extends up to and crosses the ridgeline.

The developer's have attempted to suggest that it is only the eastern flank of the ridgeline that is required to be protected, however this approach is not supported by any of the previous assessments. The developer's have also argued that the land is degraded and of little environmental quality. The existing state of the land has been well recognised in previous assessments and despite the degraded flora of much of this section of ridgeline, the landscape and linkage values associated with this landform have been continuously recognised over many years. To argue that the ridge should be developed now because of the degraded flora represents a failure to comprehend the established values of this open space area.

The WAPC must maintain the well established requirement to protect the environmental, landscape, recreational and linkage values of the ridgeline and retain the existing Parks and Recreation zoning. Whilst it may prove to be acceptable that some portions of the flanks either side of the ridgeline (below the 25 metre contour) can be developed or utilised for a PRR Reserve, subject to further detailed examination, it is unacceptable to simply rezone to Urban the whole of this area. The landscape and linkage values established are of a regional nature and WAPC must provide protection for them in a regional Parks and Recreation Reserve.

## **5.5 Inadequate Strategic Planning**

The developers, including the former Department of State Development, the WAPC, Consolidated Marine Developments and subsequently Port Catherine Developments (Australand), have produced numerous concept plans for residential canal developments incorporating a small boat harbour. An analysis of a decade of concept plan development reveals that the developer's have systematically disregarded significant planning and environmental objectives for the area. As noted above, the dismissal of such objectives has primarily focussed on the ridgeline and the coastal foreshore areas. This sustained focus on the concept planning for a residential canal development (including the development of the Coogee Master Plan) has effectively bypassed what should have been a process of meaningful and comprehensive strategic investigation.

The state and local government planners should have been focussed on the further development and integration of appropriate objectives for the area based on land ( and coastal) capability studies and assessments of the social, environmental and economic needs of the region. Furthermore, these planners should have involved the community in the further establishment and integration of such objectives and included all stakeholders in investigations into land use and development alternatives that would satisfy such objectives. However, the quasi-government developer has essentially

seconded the agencies with responsibility for strategic planning into focusing on just a single unsubstantiated speculative proposal.

The strategic planners have failed to adequately investigate the 'possibility' of a marina. It is imperative to recognise that the Coogee Redevelopment Agreement was primarily focussed on the clear objective to 'clean up' the noxious industry in the area. In relation to Urban development in the Amendment Area, it was primarily focussed on the central area only. It did not state that the development of a marina at Port Catherine was an objective for the region. Consistent with the trends in speculative development in the late 1980's, the Agreement simply identified a marina and associated resort and commercial facilities as possible landuses. It is disturbing to note that, notwithstanding the stated requirement to "investigate" such alternatives, the strategic planners have not carried out any further detailed strategic planning in relation to Urban development of the area. For example, there has been no meaningful strategic investigation regarding the possibility of a marina, i.e. no needs assessment, no assessment of acceptable options or preferred locations, no integration of any identified need for a marina with other environmental, economic and social needs, and no assessment of the sustainability or inter-generational equity of such a proposal.

The developer's numerous concept plans have not yet been the subject of any formal planning and environmental assessment. Whilst the State Agreements secure for the developer some commitments from the Government in relation to the site, the developer is still required to gain planning and environmental approval. To date, the developers have exercised their right to conduct exhaustive concept planning for the site on a purely speculative basis. The WAPC must not assume that this project specific concept planing process is a legitimate substitute for the shortfall in comprehensive strategic planning for the area. It must require that adequate strategic planning occurs before any consideration of amendments to the MRS.

## **5.6 Community Participation and Consultation**

Whilst there has been significant dialogue between the developer, the WAPC/DPI (whether as developer or strategic planner), and the local authority planners, there has been a distinct lack of meaningful community participation or consultation in the process. The very nature of Cabinet decision making, confidential State Agreements, and the confused roles of the WAPC/DPI, coupled with the closed working relationship between the developers, the state and local government planners, has all but excluded community participation in the process.

Legitimate consultation occurred during the development of the Beeliar Regional Park strategy and the Integrated Coastal Management Strategy which set clear objectives for both the ridgeline and coastal foreshore areas. In addition, the City of Cockburn's TPS No.2 obviously included consultation with the community in relation to the residential zoning of the central area of the site and the need to investigate the possibility of a marina. However, the community has not been involved in establishing any comprehensive and integrated objectives for the area, primarily because there has been no attempt to set such objectives.



The developers have not engaged in any meaningful consultation with the community. A single community workshop was conducted by the developers in the mid 1990's to examine the configuration of the marina. The community raised legitimate concerns questioning the need for and the location of the marina, and there was a great deal of concern expressed regarding the developer's plans for a predominantly finger canal style residential estate rather than a true marina. The developer's brief foray into the community ceased immediately and there has been no further legitimate public consultation.

In response to concerns regarding the lack of consultation raised by the community, the City of Cockburn suggests that detailed information relating to the development will only be available after the MRS rezoning. The Council thereby has indicated to the community that the rezoning is a *fait accompli* and that the real consultation for the area will commence after it has been rezoned to Urban. The Council has chosen to disregard the community's request for there to be a comprehensive community forum prior to the MRS rezoning.

The CCAC has identified widespread confusion in the community relating to the proposal. This confusion includes a distinct lack of appreciation of where the proposed development is to occur. Some individuals have suggested it is at Catherine Point, whilst others can't decide if it is north or south of the Power Station. Some residents believe the marina will replace the parallel groynes or will be located in the Power Station cooling ponds. This confusion also extends to the nature of the development proposal. There is a widespread belief that it will be just like Hillarys marina. There is confusion whether the project is a marina, a reclamation of the sea, a public boat harbour, a sailing club, or just a canal style development. Some residents talk about being able to pen their boats in the new facility even though they don't intend moving there. There is a common view that it includes boat launching facilities and will include publicly accessible commercial/tourism and recreational facilities, whereas some residents know it to be an exclusive residential development. There is no binding document in the public forum defining what community facilities, distinct from those likely to be reserved for Port Catherine residents, will be developed.

The WAPC should recognise that there has been insufficient community consultation leading up to the rezoning of the Amendment Area. It must accept that the extent of community confusion regarding the proposal is evidence of a systematic failure of the consultation processes to date. The WAPC should seek to address this situation by ensuring that all stakeholders, including the community, are involved in a new process to establish comprehensive, integrated and sustainable objectives for this area. The WAPC should ensure this process is completed prior to any further consideration of a MRS Amendment.

## **6.0 Planning Issues**

Many planning and environmental concerns have already been identified in the preceding sections. However, the CCAC has attempted to present a planning assessment of the proposed MRS Amendment by considering the proposal against the WAPC's suite of strategic planning policies. Therefore there may be some overlap

between the issues raised above and the issues raised under each policy heading below. Furthermore, the nature of this joint submission to both the WAPC and EPA requires that all issues identified in this report be considered by each authority where they are relevant to the respective assessments.

## 6.1 State Planning Strategy

The State Planning Strategy is a land use planning strategy for Western Australian's development. It provides a framework for strategic planning which will assist in creating the kind of society we want to live in. Whilst it sets key principles and strategies for planning at a state and region level, it is expected that the identified principles and strategies should filter down to the district and local level of land use planning.

The CCAC believes the principles and strategies identified in the State Planning Strategy provide a basis for assessing the relative merit of the Port Catherine MRS Amendment. Whilst the CCAC's planning concerns with the proposed amendment are detailed in subsequent sections, the following is a summary of where the Port Catherine MRS amendment fails to satisfy the principles and strategies established in the State Planning Strategy. This summary follows the categories of principles established in the State Planning Strategy.

*Environmental Principle - "to protect and enhance the key natural and cultural assets of the State and deliver to all Western Australians a high quality of life which is based on sound environmentally sustained principles"*

The Port Catherine proposal comprehensively fails to satisfy this core principle. Specifically, it fails to comply with the following strategies:

- \* *Protect landscape, open space and public access:*
- \* *Where population growth is occurring additional resources will be required to ensure sensitive areas are protected;*
- \* *Ensure that significant landscapes are identified and protected;*
- \* *Ensure that development proposals incorporate measures to retain landscape elements and vegetation;*
- \* *Ensure that public access is secured to key recreation areas;*

The primary concerns relating to the Environmental Principles and Strategies include the failure of the Amendment to provide suitable protection to strategically identified recreational and landscape areas of the foreshore and the ridgeline. Significant projected population growth for the region warrants further consideration of the open space and recreational needs of the region. A failure to properly cater for the needs of the projected population of 50,000 plus new residents in the region will add significant pressure on existing sensitive coastal areas, wetlands and recognised conservation areas. Whilst a small marina and canals may cater for some of the recreational needs of purchasers in the Port Catherine development, this can not be supported at the expense of protecting and enhancing recreational access to the beaches and foreshore areas located in the Amendment Area. There are other opportunities in the region that can be explored to satisfy the need for boat pen

facilities without further compromising the already limited access to beaches in the region.

*Community Principle - "to respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities".*

The Port Catherine proposal fails to comply with some of the strategies relating to the Community Principle, as follows:

- \* *ensure that servicing requirements resulting from predicted population changes are identified;*

As noted above, the proposal compromises the future coastal recreational needs of the rapidly expanding population in this region.

- \* *incorporate opportunities for consultation and include the views and concerns of local communities and groups with specific needs in the local and regional plans.*

As previously noted, there has been little meaningful community consultation regarding the future use of the Amendment Area or the surrounding areas. Where community consultation has occurred, the planning outcomes resulting have clearly favoured the foreshore and ridgeline areas being maintained as regional open space. Whilst there has been some surveying of the community's recreation needs, the proposed development has no regard to these needs and will compromise the opportunity to better cater for them. Whilst it might be argued that the developer is providing for the specific needs of a few future residents who own a large boat, the proposal will significantly compromise the ability to equitably satisfy the recreational needs of the region.

*Economic Principle - "To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles".*

The CCAC is concerned that this proposal for a residential canal style estate is an opportunistic development that will ultimately burden the region by compromising the coastal resource and significantly increasing ongoing maintenance costs in the coastal zone. The development fails to satisfy the environmental principles of the State Planning Strategy and, therefore, can not be considered to simultaneously satisfy the triple bottom line criteria (i.e. environment, social and economic criteria) associated with sustainable development principles. The proposal fails to satisfy the following strategies related to the Economic Principle

- \* *ensure environmental issues are considered in the preparation of plans;*

It is not sufficient for the developer to simply identify strategies to mitigate the environmental impact of the proposed redevelopment. The planning for this area has essentially been site specific and no meaningful attempt has been made to develop an integrated plan for the area informed by land (and coastal) capability. There is clearly an environmental imperative that the foreshore and ridgeline areas be retained as open space.



- \* *facilitate land use planning for the growth of the tourism industry which is sensitive to environmental constraints.*

Any proposal for a marina was required to be subject to investigation by the TPS No.2, along with any associated residential and resort facilities. However, there was no investigation relating to the possibility of a marina or the impact of the loss of the coastal foreshore resource. The developers have only indicated the possibility of a new hotel, however, no other tourism opportunities have been identified. However, economic reality would dictate that a new hotel would be the least likely tourism development to proceed. It is far more likely that serviced apartments and short stay accommodation might be developed and that tourism opportunities will be focussed on inter-state and intra-state tourism. Whilst it could be expected that some marine related tourism opportunities might exist, there is no indication that this proposal will cater for such activities. As stated above, it may also be possible to provide for boat facilities elsewhere without impacting on the existing coastal resource. The impact of the development on tourism opportunities at Coogee Beach and the old Power Station has not been assessed. However, the proposed development is poorly integrated with these adjoining sites and may actually limit the tourism potential of such sites. Given the juxtaposition of the site to tourism draw cards such as the Fremantle Regional Centre and Cockburn Sound, coupled with the latent tourism potential of the Old Power Station, Coogee Beach and Woodman Point, it is clear that an integrated approach to tourism development in the area is required to satisfy the above strategy. It is also clear that the proposed marina/canal development is not sensitive to the environmental constraints of the coastal zone.

*Infrastructure Principle - To facilitate strategic development by making provision for efficient and equitable transport and public utilities".*

The Port Catherine proposal fails to respond to the potential of rail options in the area. The strategies associated with the Infrastructure Principle clearly require the following:

- \* *integrate land use and transport planning;*
- \* *plan for public transport facilities;*
- \* *plan for balanced travel;*
- \* *support the development of more nodal urban settlements.*

Past strategic planning for the region has given consideration to the opportunity to construct heavy passenger rail between Fremantle and Rockingham. More recent decisions that have resulted in an inland rail route via Thompsons Lake have shifted the emphasis to developing a light rail option between Fremantle and Thompsons Lake. Either option has the potential to provide high quality public transport to the Amendment Area. However, the proposed development all but turns its back to the potential connection to passenger rail. The proposed "marina village" is outside of the 400 metre pedestrian shed of the proposed rail station and there has been no attempt to develop a node associated with the station. It is also noted that the State controls large quantities of vacant land both in the Amendment Area and to the north of it at the old Power Station and at North Coogee. There is also considerable development potential associated with the old Bradken foundry, the former Fremantle tip site, surplus Westrail land and the vacant woolstores on the Fremantle - Cockburn boundary. The WAPC would be derelict in its duties if it fails to grasp the opportunity

to develop a fully integrated land use and transport planning strategy for the greater area. Ad hoc consideration of a Government sponsored development proposal that does nothing to promote landuse and transport integration is simply unacceptable.

*Regional Principle - To assist the development of regional Western Australia by taking account of their special assets and accommodating the individual requirements of each region".*

The vision statements for the Perth region need to be brought into reality at this level of metropolitan planning. The relevant vision statements that this proposal fails to adequately satisfy include:

- \* *Protection of coastal, inland waters, natural features and cultural heritage;*
- \* *..coastal and inland waters... maintained to the highest possible standard;*

Construction of a marina on white sand beaches when other alternatives exist can not be considered as protecting or maintaining our coastal zone. The non-removal of the parallel groyne and the failure to properly remove this obsolete industrial infrastructure also represents a failure to protect and enhance our coastal zone.

## **6.2 Draft SPP: Environment and Natural Resources**

The WAPC have recently released a suite of Statements of Planning Policy (SPP) in respect of natural resource issues. The policies are prepared in accordance with Section 5AA of the Town Planning and Development Act (1928). The policies are part of a suite of high order sector policies that are part of the policy framework established in the State Planning Strategy.

The WAPC and the local authorities are required by the Act to have due regard to these SPPs, notwithstanding that they have been released in draft form only. This includes having due regard to the SPPs when schemes are amended as is the case with the Port Catherine MRS Amendment.

The Draft SPP: Environmental and Natural Resources (Nov. 2001) provides the broad policy framework for more specific policies on particular natural resource issues, such as coastal planning issues. It provides an over-arching direction relevant to resolving land use conflicts between the use and protection of natural resources. It states that:

*"It is acknowledged that growth and development will have an impact on the environment. This impact, however, does not have to be detrimental to the ecosystem. It is possible to achieve land use change and development that has positive environmental outcomes or that reduces the degree of negative impact on the environment....Planning will be required to resolve land use conflicts between use and protection of natural resources, having consideration of potential impacts to the environment, as well as those to community lifestyle and the economy. This requires an understanding of the competing pressures of development and environmental protection, together with the economics of sustainable land use and management practices, advances in technology, and the priorities of the community."*

The WAPC does not have sufficient information for it to determine whether the Port Catherine Amendment satisfies this policy. Specifically, the priorities of the community have not been sufficiently established to suggest that a marina/canal style housing development is of such a priority to warrant the environmental and recreation loss of existing beaches and dunes.

The CCAC takes the view, as supported by the Integrated Coastal Management Strategy, that the community priority for the foreshore of the Amendment Area is the establishment of a district recreation node including an enhanced and revegetated coastal foreshore. Whilst there is no evidence that boat pen facilities have been identified as a community priority, alternative opportunities exist elsewhere to satisfy such a demand if one is subsequently shown to exist. Such alternatives are likely to result in significantly fewer negative impacts on the environment and the community's recreation resource.

The WAPC must commission further assessments at a regional level to ensure that recreational priorities are understood and to assess options that are likely to result in fewer impacts on the environment and that better satisfy the competing development and recreational needs of the whole community. The SPP includes several General Policy Measures that support this view and which require that the WAPC should :

- \* *Avoid development that may result in unacceptable environmental damage; and*
- \* *Seek opportunities for improved environmental outcomes.*

This SPP also sets out several Policy Measures relating to the landscape that the WAPC must have regard to in assessing this Scheme Amendment, namely:

- \* *identify and safeguard landscapes identified as having high value, such as geological or geomorphological value, aesthetic value to the community, and seek to restore the quality of those that are degraded:*
- \* *in areas identified (above) , determine the level or capacity of the landscape to absorb new activities and incorporate appropriate planning and building design and siting criteria to ensure that new development is consistent with the character and quality of the landscape;*

The landscape value of the ridgeline has been recognised extensively in previous strategic reports and the above policy measure requires that the WAPC now act to safeguard the ridgeline and seek to restore the quality of this degraded environment. Zoning the ridgeline to Urban would be totally inconsistent with this policy. The developer's proposal seeks to improve the eastern flank only of the ridgeline, whilst totally compromising the recognised values that are equally associated with the top of the ridge and its western flank.

There is also some strategic support to suggest that the foreshore areas are also of high aesthetic, landscape and social value, as identified in the Integrated Coastal Management Strategy. This can best be assessed against the Draft SPP: State Coastal Planning Policy, as discussed below.

## **6.2 Draft SPP: State Coastal Planning Policy**

In assessing the proposal to rezone the coastal foreshore to Urban, the WAPC must have particular regard to the draft Statement of Planning Policy: State Coastal Planning Policy (Nov. 2001). It may well be the case that this MRS Amendment will provide the first real opportunity to test the effectiveness of this new policy. The CCAC is convinced that the policy essentially precludes the WAPC from supporting the marina/canal housing estate development as currently proposed for this site. It is



also argued that, notwithstanding that a marina can be established within a specific Reserve for that purpose, the establishment of an Urban zoning across the foreshore and seabed in the manner proposed is totally contrary to the policy. This SPP notes that:

*"There are pressures on the coast for use by different groups in the community for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. Planning for coastal land is about balancing these often competing needs and desires in a way that takes into account the values of the coast. These values include its scenic, aesthetic and ecological qualities, its recreational attractions, and its social, indigenous, cultural and commercial importance."*

The CCAC recognises that there are competing needs in relation to the coastal foreshore area. However, the rezoning of this section of beach and sand dunes to allow for the Port Catherine development will only serve to exacerbate the existing imbalance in the region. The existing imbalance is the result of an excessive quantity of coastal foreshore being set aside for heavy and light industrial uses and commercial and recreational boating facilities. Whilst the CCAC might accept, subject to a recreational needs assessment, that additional boat pens may be required in the region, these needs should be, and can be, satisfied within the areas already established for them. The WAPC must now address this imbalance by ensuring that the Port Catherine foreshore is set aside to guarantee that sufficient coastal reserves are available for the recreational needs of the whole community, rather than further favouring the minority needs of owners of large boats.

The draft State Coastal Planning Policy sets out four objectives which must be considered by the WAPC because of the importance of the coastal foreshore in this MRS Amendment. The four objectives are to provide for:

- \* *protection, conservation and enhancement in areas of landscape, nature conservation, indigenous and cultural significance;*
- \* *public foreshore areas and access to these on the coast;*
- \* *the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities in appropriate areas; and*
- \* *the location of coastal facilities and development that takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.*

There is no capacity for the Port Catherine Urban zone proposal to satisfy these objectives. This is best demonstrated by assessment against the relevant Policy Measures contained in this coastal SPP.

*SPP Policy Measure: Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas.*

It is important to emphasise that the term 'coast' refers to areas significantly greater than just the coastal foreshore. The whole of the Amendment Area would be included in this definition of 'coast'. The CCAC accepts that the central section of the Amendment Area is suitable for residential development and should be rezoned to

Urban. However, it is neither 'suitable' or 'sustainable' to use the areas west of Cockburn Road for residential. The existing and future environmental requirements and recreational needs can not be met if this foreshore area is zoned Urban. Only a small portion of the proposed marina is actually established to provide for boating access to the ocean and this can be more sustainably provided for elsewhere. The reclamation of the seabed and the use of existing beaches and sand dunes to provide land for housing can not be shown to be sustainable development. It clearly fails any measure of inter-generational equity.

*SPP Policy Measure: Protect significant natural, indigenous, and cultural features of the coast. These include sites and features significant as coastal habitats and for their floral, cultural, built, archeological, ethnographical, geological, geo-morphological, visual or wilderness values.*

Within the Owen Anchorage area the nearshore seagrasses, the long unspoiled stretches of white sand beaches, and the Coogee ridgeline are important features with natural, cultural, geomorphological and visual value. Ecoscape et al note in the Integrated Coastal Management Strategy that "*As with all foreshore areas there is an aesthetic value associated with areas where water meets the land. This is particularly the case for the Cockburn coastal area with the long views afforded to Cockburn Sound. Furthermore, through public consultation it has been established that the land form of the primary dune system has an aesthetic value given the size and nature of the dune system.... Bowman, Bishaw and Gorham (1998) also assessed the visual quality of the (Port Catherine) site under the classifications used for the Swan Coastal Plain Character Type. This work placed a moderate to high value on the scenic quality of the ridgeline at the rear of this area. Based on landform the area has qualities which are uncommon in the metropolitan region namely the ridgeline, foredunes and coastal aspect with islands offshore.*"

The features identified by Ecoscape are represented in the Amendment Area and despite the degradation in some parts (e.g. the parallel groynes on the beaches and the poor vegetation of the ridgeline, etc.), there remains a real opportunity to protect and enhance these features. Unique to the Amendment Area are some small limestone headlands and rock shelves which add specific value to the foreshore area. The proposed MRS Amendment will result in all of these features being compromised by development, and the development will also have a detrimental affect on the value of similar features found outside of the Amendment Area.

*SPP Policy Measure: Maintain and enhance public enjoyment of the coast where this is consistent with the objectives of this policy.*

Public enjoyment of the coast will neither be maintained or enhanced by this proposal since traditional beach access available to the whole community will be replaced by selective access for some of the new residents of Port Catherine to private boat pens and absolute waterfront canal style housing. Public enjoyment of the coast in the Amendment Area would be best served by the retention and enhancement of the existing beaches. There is a capacity to cater for boat pen facilities elsewhere in the region, however, there is limited capacity to enhance existing beaches to cater for the significantly greater recreational demands associated with an expanding population in the region.

*SPP Policy Measure: Ensure that adequate consultation is provided to enable the community to participate in coastal planning and management. Support and guide the activities of voluntary coast care groups.*

There has been inadequate community participation and consultation in the planning process relating to the Port Catherine site. Where consultation has occurred at a more strategic regional level, the community objectives have clearly favoured the retention and enhancement of the coastal foreshore and the ridgeline. The WAPC must accept that planning for land use change in the coastal zone is a highly sensitive exercise and that adequate community participation and consultation is an essential ingredient to an integrated outcome where environmental, economic and social needs can be simultaneously achieved. The CCAC is strongly of the view that there is a genuine need to redevelop much of the Port Catherine site and vacant and underutilised land to the north. The community's primary concern is to ensure that this is achieved through a consultative process that firstly identifies the social, economic and environmental needs, and secondly seeks to involve the community in the development of options that deliver sustainable and equitable outcomes.

*SPP Policy Measure: Encourage urban development to be concentrated in and around existing settlements, particularly those with established infrastructure and services. Linear development along the coast should be discouraged or, where it has occurred, carefully controlled.*

Whilst this Policy Measure is intended to apply at a macro planning level, the intent is also relevant at the local planning level. The Port Catherine proposal is designed as an exclusive enclave. Whilst it is promoted by the developer's as providing a regional recreation and commercial node for the people of Cockburn, the clear lack of parking and integration to the potential public transport network belie this claim. Of most concern is that the proposed development is not integrated with the two existing nodes along the beach, namely Coogee Beach and the old Power Station.

The old Power Station is a heritage listed building which is the single most dominant built structure in Owen Anchorage. Even in its derelict state it establishes a significant built node at the centre of the Owen Anchorage foreshore. It already has breakwaters that in their original form extended some 170 metres out across the seabed, and there are no recreational beaches remaining. The re-use and/or reconstruction of these breakwaters would cause considerably less environmental and social harm because coastal processes have essentially re-stabilised around this structure and the existing beaches, seabed and seagrasses would not be affected to the extent likely to result from the construction of Port Catherine. A solution that revamps an existing built node and an existing marina like structure whilst retaining and enhancing beach areas for recreation will achieve a far better outcome in terms of balancing the conflicting land use needs. The proposed Port Catherine development is a poor comparison because it takes away existing beaches to allow a new marina to be established just 150 metres away from what is effectively an existing marina like structure, and it fails to remove the parallel groynes to allow for the enhancement of existing beaches to the south.

Given the common State ownership of most of the Port Catherine site, the old Power Station, and vacant land to the north, it is incomprehensible that the Government and the WAPC have not considered that any new nodal development in this coastal zone

should focus on, or at the very least be well integrated with, the old Power Station node. The consequence of allowing the establishment of a third node between two existing nodes will result in a linear development along the coast which is expressly contrary to the policy. Of particular concern is that any viable redevelopment of the old Power Station will almost certainly need to rely on the types of mixed use development being proposed at Port Catherine. It is neither logical in planning terms, or economically efficient, to allow both developments to proceed side by side. Clearly, the result will be to the detriment of the heritage listed building because Port Catherine will absorb a large portion of the required investment in new commercial and tourism activity. The community will be left without its beaches and the Government will be left with a substantially more difficult redevelopment of the old Power Station.

*SPP Policy Measure: Ensure that, when identifying areas suitable for development, consideration is given to strategic sites for coastal access including ports, boat harbours and regional boat ramps.*

The proposal to construct a marina/canal style housing development at Port Catherine is not the result of a strategic planning decision made in response to a recreational needs assessment or an evaluation of options to improve boating access to Owen Anchorage. It is merely an ad hoc marketing feature included in a fanciful concept plan that derives more from the extravagance of the resort developments of the 1980's than it does from any real desire to identify and balance the recreational needs of the whole community. The real boating requirements are evidenced by the work completed in the Integrated Coastal Management Strategy which primarily identifies the need for improved boat launching facilities and touches on the need for better integration and sharing of port/harbour facilities. The Strategy does not identify the need for any new marinas in the region and it certainly provides no support for canal style housing projects to be constructed over the ocean.

The original Port Catherine proposal included a boat launching facility and it is understood this was originally required by the Government, as was a minimum of 150 boat pens. Whilst the Government's requirements were at best ad hoc, the developer's economic imperative has resulted in the loss of the boat launching facility and an emphasis on canal style housing rather than providing a genuine recreational marina. The boat facilities that will be provided will almost certainly be for the exclusive use of the residents of the new estate and will not provide any substantial improvement in regional boating access to Owen Anchorage. This ad hoc approach to the provision of facilities is exactly what was identified as a concern in the Integrated Coastal Management Strategy. This failure to plan strategically is also evidenced by the proposed location of the marina. There has been no regional assessment considering how best to provide for improved boating facilities in an integrated and balanced manner. There has also been no assessment of alternative proposals that may be considered more favourable in terms of siting and impacts on the environment or other social and recreational needs.

*SPP Policy Measure: Require that proponents demonstrate why their development should be located in or abutting the coast. Valid proposals will generate a demonstrable net public benefit in both the short and long term.*

The developer's have attempted to justify their marina/canal style housing development in their "Public Equity Statement". However, by any objective measure, the developer's have failed to identify a demonstrable public benefit for this proposal. As noted above, it is highly questionable whether the marina and canal style housing component of the proposal will provide any real net benefit to boat owners in the region. It can also be shown that the proposal provides no net benefit in terms of other recreational activities.

In terms of the marina the developer's have put forward a case arguing that direct public access to Owen Anchorage provided by the seawalls will establish new fishing opportunities. The greater area of Cockburn Sound has more publicly accessible seawalls extending into the ocean than any other part of the metropolitan area. However, most land based fishing activity still takes place from the existing jetties and the beaches because they are located near the existing nearshore seagrass areas. Indeed, many of the favourite fishing areas in the region are currently located in the Amendment Area but will be lost with the development of a marina. It is highly questionable whether the provision of breakwaters represents the type of physical or visual access to Owen Anchorage desired by most people in the community.

The developers also argue that the proposal includes direct public access to canal waterways via boardwalks. However, this is only provided to the smaller section of water body associated with the boat pens and there is no public access proposed between the canal style housing sites and the associated waterways which make up the majority of the overall waterbody.

The developer also boasts about the establishment of a Tri Level Pedestrian/Cycle Hierarchy through the site. Notwithstanding the derelict nature of parts of the Amendment Area, one of the regions existing recreational assets is the coastal cycle network that extends from Woodman Point to South Beach and Fremantle. This existing network which is mostly situated in natural and parkland coastal environments is to be squeezed through this urban development in a manner that will almost certainly result in conflicts between users of the cycle path and the commercial node located at the marina. In addition, the enjoyment for the existing users of the cycle path is to escape the built up urban areas and there is no evidence that cycling through the close confines of a new housing estate will prove to be as popular. The issue here is not just about the provision of a 3 metre wide cycle path but the total package of the environment that the cycle path exists in. Clearly, the built up environment of this proposal is no substitute for a continuous, wide open space link through the Amendment Area and coinciding with the existing and/or new foreshore.

It beggars belief that the developer would attempt to suggest that the proposed development achieves improved waterfront access simply because it provides more lineal metreage of land/waterfront interface. The existing foreshore in the Amendment Area includes approximately 1.5 kilometres of waterfront consisting of 910 metres of natural sand beaches including some natural rock headlands, and 515 metres of former beach that has been compromised by the construction of a parallel groyne. There is no reason why, with minimal effort, that the degraded area of beach couldn't be restored and enhanced. By contrast, the developer's proposal retains just 250 metres of existing public beach, fails to remove the existing parallel groynes to reinstate the degraded beaches, and removes 660 metres of natural beach to be replaced by nearly 3 kilometres of breakwater frontage. It also provides nearly 1.4

kilometres of exclusive waterfront access for new residents of the canal estate. Obviously the vast majority of the community have a preference for beach access versus breakwater access. No amount of new breakwater is going to establish a net benefit in terms of the community's recreation needs.

The questionable public equity benefits reported by the developer are only measured in terms of the short term and do not deal with the long term recreational needs of the region. Likewise, there will obviously be some short term economic benefits primarily for the developer in terms of profits and for the Government in terms of selling of land and seabed that would otherwise be retained in perpetuity for public use. However, there has been no assessment of the longer term inter-generational benefits of such a proposal as is required by the coastal policy. The CCAC is convinced that the proposed MRS Amendment will ultimately represent a net loss of benefit in relation to the coastal resource.

In 2029, residents in the area will look back and wonder why on the one hand we sacrificed such a substantial area of existing beach resource and on the other hand failed to enhance existing beach environments where this was so easily achievable. They will wonder why a new marina was built whilst the old Power Station and associated breakwaters remain derelict. They will wonder why there are so few beach environments available to residents living south of the river. They will wonder why there are five marinas in the first ten kilometres south of the river that provide not only for residents south of the river, but for many more boat owners living north of the river, and yet there is not one marina for a distance of 25 kilometres north of the river. They will rightfully question why the WAPC of 2002 approved a MRS rezoning that allowed the Government and the developer to reap short term cash profits at the expense of achieving a fair balance of the conflicting recreational needs of the region.

*SPP Policy Measure: Support public ownership of the coast, including where appropriate the provision of a coastal foreshore reserve and accommodation of regional and local recreational needs. The identification of land to be set aside for public ownership for conservation, management, public access and recreation, should be undertaken during the planning process. Generally this land, from the total setback line seaward, should be given up free of cost at the time of development, subdivision or strata subdivision. The reserved land should generally be vested in the relevant local government for the purposes of coastal foreshore management and recreation.*

Hypothetically, the establishment of a recreational and/or commercial marina facility can comply with this Policy Measure. To achieve this, the State would retain ownership of such a facility and commercial or recreational organisations would occupy portions of the marina through a leasehold arrangement. In such a scenario, a Reserve would probably be established for the purposes of a marina and associated facilities. However, at Port Catherine, an Urban zone has been proposed to reflect what has become predominantly a reclamation of the sea for a canal style housing development. This is in essence a privatisation of the coast at the expense of public ownership and public access. Whilst the Government, as the developer, is entitled to propose such a facility, the WAPC should not support the privatisation of the coast in this manner when it so expressly contradicts this Policy Measure of supporting public ownership of the coast. Whilst the CCAC does not support the marina/canal development in the location proposed, it insists that any marina in the region should

be retained in public ownership and should therefore be a Reserve area under the MRS, and not zoned Urban.

*SPP Policy Measure: Ensure that new buildings and foreshore infrastructure on the coast are positioned to avoid risk of damage from coastal processes and, where possible to avoid the need for physical structures to protect development from potential damage caused by coastal processes. The Setback Guidelines in Schedule 1 form part of this Policy and should be applied to determine appropriate setbacks to accommodate coastal processes. Requirements for recreational use, public safety, conservation and protection of other values should also be taken into account in determining the width of the total setback.*

The CCAC is fundamentally concerned that the location of the proposed marina will result in significant erosion to the existing areas of Coogee Beach. The proposed breakwaters of the marina are likely to result in a combination of the starvation of sediment feed to Coogee Beach and the scouring of the beach in the winter mode. Historically, the construction of the much smaller cooling ponds at the old Power Station resulted in erosion impacts extending up to 2.5 kilometres south of the groynes. It is likely the erosion would have been exacerbated except for the location of the limestone headlands and submerged limestone shelves, and the subsequent construction of the parallel groynes designed to protect industry from the onslaught of the erosion.

The construction of the proposed marina is likely to have a similar erosion impact for a significant distance south of it. Therefore Coogee Beach will almost inevitably be subject to significant erosion for years to come. The developers have proposed sand bypassing as an option or possible unspecified measures to arrest any erosion that may occur. It can not be accurately demonstrated that sand bypassing alone would be sufficient to arrest any erosion. The construction of yet more groynes would represent both an unacceptable solution to the community and would be contrary to the policy.

In addition to the concerns about erosion at Coogee Beach, it has been noted above that a foreshore reserve should be established behind the existing parallel groyne sufficient in size to allow for the removal of this structure and the enhancement of the coastal foreshore.

Furthermore, it is noted that at the very southern end of the Amendment Area, coinciding with the jet ski hire on the existing beach, the existing foreshore reserve is of inadequate width and does not comply with the Setback Guidelines in Schedule 1 of the policy. The total setback between the horizontal setback datum (HSD) and the proposed Urban zone ranges from approximately 33 metres up to a maximum of approximately 60 metres. Based on the information provided by the developer, it has been shown that immediately south of the parallel groyne, the position of the HSD (first line of vegetation) eroded to a position 35 metres inland between 1942 and 1976. This was almost certainly as a result of the construction of the Power Station groynes 2.5 kilometres to the north. Since 1976, the HSD in this position has shown some accretion of up to 15 metres. It is likely this is due to the groynes at the Power Station being saturated on the northern side and the resultant renewal, at least in part, of some sand feed to the south.

The Environmental Review documents do not adequately deal with the need to establish a development setback for physical processes in this area. The required development setback is likely to be significantly more than the existing 33 metres proposed in the Amendment, especially if this section of coast is likely to be the subject of further erosion resulting from the construction of the marina. For example, if the marina results in the same rate of erosion originally caused by the Power Station groynes, an annual rate of erosion of one metre would require the development setback from the existing HSD to be 178 metres. Under no circumstances, even in a mode of long term accretion, will the development setback required by the policy be less than 78 metres. When other factors such as ecological values and public access are added to the setback requirements the scale of the deficiency will obviously be worse. Clearly the proposed foreshore reserves depicted in the MRS Amendment are hopelessly inadequate. Given the current community and Government focus on coastal planning issues, it is an indictment on the process that the WAPC would even advertise such a flawed proposal.

*SPP Policy Measure: Ensure that the coastal foreshore reserve is separated from adjacent development in a way that provides a clear demarcation between public and private land.*

This Policy Measure raises two specific concerns with the existing proposal. The proposal to retain the parallel groyne has been included in the development to allow the developer to utilise for housing what would otherwise be a foreshore reserve. This proposal to rezone to Urban all of the land up to the waters edge of the parallel groyne will not ensure that a clear demarcation exists between private and public land, and is therefore unacceptable. The CCAC believes the WAPC should require the removal of the existing parallel groynes. However, irrespective of whether the existing obsolete structures are retained or removed, the WAPC must ensure that a Foreshore Reserve is established in excess of 100 metres (given that this has been an eroding beach) measured from the historical vegetation line which existed behind the current walls. This would at least allow future generations to remove the parallel groyne.

Whilst not supporting either the marina in its current location or any proposal that results in the reclamation of existing seabed for housing, the CCAC is of the general view that where a recreational marina is established, there should be a clearly delineated public area between any waterbody and any privatised (i.e. leasehold) land area. The establishment of freehold lots directly abutting what is presumably supposed to be a public waterway does not provide any clear delineation between public and private areas, and is therefore not supported.

*SPP Policy Measure: Ensure that land use and development, including roads, adjacent to the coast is designed to complement and enhance the coastal environment in terms of its visual, amenity, social and ecological values.*

The visual, amenity social and ecological values have, in part, been established in documents such as the Integrated Coastal Management Strategy and the Beeliar Regional Park proposal. The values include reference to Owen Anchorage including some of Perth's most protected and beautiful coastlines, and areas of remnant dunal environments, all in close juxtaposition with the Spearwood ridgeline.



The view to the coast from the Spearwood ridgeline of the largely unspoiled arc of white sand beaches extending from the old Power Station south to Woodman Point is a valuable asset in the centre of the metropolitan area. This largely natural remnant of original Cockburn Sound coastline must be protected, and where degraded it should be enhanced. This is all the more important in the context of the extent and scale of human intervention along the coast elsewhere in Cockburn Sound and at Fremantle.

The old Power Station represents a single and dramatic expression of the urbanisation of the area and acts as an artificial bookend to the natural coastal zone south of it. The clarity of this landscape will be diminished by the proposed marina. By contrast, to the north of the Power Station the original foreshore has been largely changed by human intervention in the form of groynes, the cooling ponds of the Power Station and the three marinas at Fremantle. Reuse of the Power Station breakwaters would therefore be more acceptable in land use terms.

At a human level, it is clear that approximately one third of the foreshore in the Amendment Area has been degraded by previous industrial land uses, although the extent of degradation is often significantly overstated. However, the impact of this degradation when viewed from the macro level is minimal and does not significantly detract from the values of the foreshore south of the Power Station.

There exists a real opportunity to enhance the visual, amenity, social and ecological values of the foreshore in the Amendment Area in a manner that would complement the adjoining areas. Indeed, the re-establishment of the coastal foreshore north of the Power Station is a positive example of how the degraded sections of the Amendment Area could be treated.

*SPP Policy Measure: Avoid any significant and permanent negative impacts on the environment and coastal processes, either on or off site.*

The CCAC is concerned about the significant direct and indirect damage that the proposed marina will have on the remaining nearshore seagrass. These concerns are dealt with in detail in section 7.0. There is a real concern that the marina is likely to significantly impact on almost all of the remaining nearshore seagrass and this constitutes a significant negative impact on the environment. As noted above, the marina is also likely to cause significant negative impacts on the coastal processes resulting in erosion at Coogee Beach.

#### **6.4 WAPC Development Control Policy 6.1**

In addition to the draft Statements of Planning Policy noted above, the WAPC has historically had regard to the WAPC Development Control Policy 6.1 Country Coastal Planning Policy (DC 6.1) with respect to assessing scheme amendments. Whilst many of the issues relevant to DC 6.1 have been adequately canvassed above, it is worth commenting on some aspects of this policy because it provides more specific guidance in some areas.

It is worth noting the Land Use Priorities identified in DC 6.1. The WAPC has adopted the following principles for the allocation of coastal land:

*To give priority to coastal dependent developments over non-coastal dependent developments, i.e. uses of land and water that by their very nature require coastal sites. Urban and built developments will normally be ordered as follows:*

- *Essential services, e.g. ports, harbours and marine industries.*
- *Service facilities dictated by topographic constraints, e.g. drains, wastewater treatment plants and water supply tanks.*
- *Public recreation and amenity.*
- *Private Residential.*
- *General industrial and commercial.*

Whilst this does not preclude a marina from being developed, the nature of the marina is clearly important in any planning assessment. For example, if a marina was essential to service a fishing industry then it might be given priority as a coastal dependent use. However, a marina established for the sole purpose of providing for recreational boating needs would need to be considered along with other competing public recreation needs. Therefore, such a marina could be considered provided it could be sustainably balanced with the other recreation needs. The provision of recreational needs clearly has greater priority than the provision of residential needs.

Notwithstanding that a residential canal estate may be considered as a special case, the CCAC is adamant that any proposal for such canals should not be permitted over any portion of existing seabed or any portion of land that would otherwise be set aside as a coastal foreshore reserve. (Hypothetically, this does not preclude a canal development excavated from the land, however the CCAC is unlikely to support such a proposal at this site) On this basis, there is also no logical reason why the existing seabed and foreshore should be zoned Urban.

With regard to the provision of a marina to provide for recreational boat pens, there has been no demonstration of the need for these pens in this region and no assessment of options to provide for any such demand should it actually exist. It has also been clearly shown that the construction of a marina on this site will not provide for a balanced provision of all of the communities recreational needs. Therefore, neither the marina or the residential canal estate should be supported by the WAPC.

## **7.0 Environmental Issues**

The CCAC has divided its environmental concerns into the same categories used by the EPA in its Instructions. There may be some overlap in the issues raised under each category. The comments in this section typically relate to the information presented in the Port Catherine Environmental Review documents and are therefore related to the specific development proposal. However, these comments also apply more generally to the proposed Port Catherine MRS Amendment. Furthermore, the nature of this joint submission to both the WAPC and EPA requires that issues identified above be considered by the EPA where they are relevant to the EPA's assessment, and likewise that the WAPC consider the issues identified below where they are relevant to its assessment.

### **7.1 Terrestrial Flora**

EPA Instruction: *Assess the condition and distribution of vegetation communities. Document environmental impacts and management provisions. Survey CALM's database and the site for Declared or Priority plant species. Document how Declared or Priority species will be protected and managed.*

The Environmental Review (ER) fails to identify the specific coastal species that are present in the northern dune of the Amendment Area. Whilst the ER identifies that there is some remnant vegetation in the dune (P82), it fails to describe it accurately. The City of Cockburn's Integrated Coastal Management Strategy, prepared by Ecoscape et al, notes that

*"A vegetation survey by Weston (in Bowman, Bishaw and Gorham, 1998), failed to note any significant flora in the Port Catherine area. The survey highlighted a high level of disturbance and weed invasion. However, coastal species such as Spinifex sp., Cakile maritima, Scaevola crassiflora, Callitris preissii and Lepidosperma gladiatum are present. Further inland species such as Dryandra sessilis, Acacia cyclops, Hakea prostrata, Templetonia retusa and Banksia attenuata are present.... The biological condition of the area has been disturbed and modified and previous land use activity has resulted in site contamination in certain areas....It was evident through community consultation that rehabilitation of the area should be a goal of management."*

It must be emphasised that previous strategic planning reports identified the foreshore, dunes and the ridgeline in the Amendment Area primarily because of the landscape and social (recreational) value attributed to these spaces. Notwithstanding that previous assessments have identified that the vegetation in these areas is degraded, the strategic planning for the area has consistently recognised the need to retain these areas as regional open space. The ER constantly refers to comparison of adequate remnant coastal vegetation that might be located elsewhere in the Perth metropolitan area, however this is not the only relevant comparison to be made. The extent of human interference in the coastal foreshore along Cockburn Sound has been extensive compared to other areas of Perth, and it is reasonable for communities south of the river to place a very high importance on any remaining open space that provides either quality conservation areas, coastal recreational opportunities and linkages between them.

In the case of the ridgeline the landscape value and the potential of the space to act as a physical linkage between areas of Beeliar Park and the coast are the main reasons for its recommended retention as regional open space. In the case of the substantial foreshore dunes in the Amendment Area, the presence of weed species does not significantly diminish the landscape and social values of the dune. In both instances, management of the area has been virtually non-existent and yet Ecoscape have identified numerous coastal species surviving. The expectation here is that proper management should be established so that vegetation rehabilitation programmes can be instigated to expand the extent of native coastal species.

The ER attempts to argue that the degraded state of the vegetation is sufficient reason for the areas not to be retained as open space. This approach can not be supported in the light of the previous recognition provided to these areas in numerous strategic planning documents.

## **7.2 Terrestrial Fauna**

*EPA Instruction: Assess the presence and distribution of terrestrial fauna species. Document environmental impacts and management provisions if the proposal is implemented. Survey CALM's database and the site for Declared or Threatened fauna species. Document how Declared or Priority species will be protected and managed. .*

The ER fails to identify the presence of Kites (Black Shouldered Kite, *Elanus axillaris*) in the Amendment Area.

As noted in the section on flora above, the ER refers to species found in the Amendment Area being widespread in the metropolitan area. However, the extent of damage to the coastal environment south of the river presents a real need to ensure that sufficient habitat is retained in these areas. There are numerous areas south of the river which are underutilised Urban or Industrial area and these spaces often include habitat for local fauna. However, the intensity of usage of such spaces is progressively increasing. It is important that the areas previously identified to be set aside as regional open space, such as the ridgeline and the foreshore areas, not be compromised. The proposal to rezone these areas to Urban should be rejected.

## **7.3 Marine Flora (seagrass)**

*EPA Instruction: Assess the condition and distribution of marine flora communities. Document environmental impacts and management provisions. Survey CALM's database and the site for Declared or Threatened marine flora species. Document how Declared or Priority species will be protected and managed.*

The ER provides a fairly basic assessment of the extent and condition of the nearshore seagrass in and around the Amendment Area. There is concern, however, that the assessment tends to generalise the extent and function of the seagrass. Analysis of the figures 3.6 and 3.7 in the ER indicates that the "ground-truthed" mapping process shows significantly less seagrass than was mapped by DA Lord and Associates. The CCAC is concerned that the on site mapping carried out has excluded small clumps of existing and re-emerging seagrass.

There is some evidence that new seagrass is establishing in nearshore areas of Owen Anchorage. For example, at least two species of seagrass have begun to establish off South Beach on what is essentially new seabed. There is insufficient scientific evidence to suggest that conditions are right for extensive germination of new seagrasses, or that this seagrass will survive potentially unstable seabed conditions and large epiphyte loads. However, it is fair to say that seagrass expansion appears to occur more by spreading out from established rhizomes than from direct germination. Therefore, if conditions are right for seagrass regrowth now, or in the foreseeable future, the retention of existing seagrass will almost certainly enhance regrowth potential. Given the limited extent of remaining nearshore seagrass in Owen Anchorage and the virtual extinction of nearshore seagrass in Cockburn Sound, it is important to retain as much of the existing nearshore seagrass as possible, even that

which is classified as scattered clumps or single plants. Therefore, the CCAC submits that a more detailed mapping process is required.

The ER indicates that the proposed marina will result in only 0.3 ha of seagrass loss. This refers only to the seagrass mapped in figure 3.6 as "dense seagrass" and does not include the areas identified as "scattered seagrass clumps". The total area of seagrass shown in figure 3.6 is approximately 1.1 hectares. The CCAC believes that if smaller clumps were added, the figure would be even higher.

The ER only compares the loss of the 0.3 hectares of seagrass against the total areas of seagrass in Owen Anchorage. Figure 3.7 in the ER depicts the total distribution of seagrass in Owen Anchorage and it is apparent that there is only limited remaining seagrass close to the foreshore. This substantial loss of nearshore seagrass is primarily due to the large quantity of effluent that was discharged directly west of the surf zone and the high level nutrients in the groundwater entering the ocean. In Cockburn Sound, this nearshore seagrass is virtually extinct. The ER fails to assess the geographic distribution of nearshore seagrass in Owen Anchorage or the greater area of Cockburn Sound. It is these areas that should be considered relevant in terms of considering the geographic distribution of seagrass. The seagrass that will be directly affected by the marina represents at least 25% of the remaining nearshore seagrass (adopting the 1.1 hectares as the minimum to be removed from the Amendment Area).

The ER also fails to adequately consider that the loss of this seagrass in the context of the extent of remnant seagrass in the Owen Anchorage East mapping zone that includes the Amendment Area. It is noted that in this zone, there is only 20% (246 hectares of a total area of 1251 hectares) remnant seagrass coverage and this is predominantly represented by a single species. It is critical in this area to protect the seagrass that remains to ensure seagrass regrowth can occur when conditions are favourable.

The cumulative loss of seagrass in the Owen Anchorage East mapping zone is already very high, possibly as high as 80% loss of the original seagrass. The ER acknowledges that the proposal doesn't comply with the draft Environmental Assessment Guidelines Nos. 22 and 29 with respect to the cumulative loss of seagrass in the immediate area or when measured across the whole of Cockburn Sound. The seagrass in the Amendment Area should not be allowed to be destroyed for what is predominantly a reclamation project to establish a residential canal style development.

The ER claims that there is "no regrowth potential" for the extensive rhizome mat in the Amendment Area and that the seagrass in these areas is "extinct". This could be misinterpreted to suggest that seagrass regrowth will not occur in this area and therefore it doesn't matter if a marina is constructed. Clearly, there is no expectation that the dead rhizomes will mysteriously spring to life again. However, under the right conditions, the existing living rhizomes will spread out to form new dense areas of seagrass. New germinations of seagrass may also occur as has been evidenced in surrounding areas. Indeed, the ER acknowledges that in Owen Anchorage, some 500 hectares of seagrass has regrown. It may well be the case that the "extinct" rhizome mat will act to stabilise the seabed which is an important factor in seagrass regrowth.

The EPA should be concerned that there is insufficient knowledge relating to the potential for seagrass regrowth and what factors will influence this potential. In an area where the cumulative loss of seagrass already exceeds required standards, it is imperative that the EPA protect any potential for regrowth. This should include the protection of both the existing seagrass and "extinct" rhizome mat in the Amendment Area.

The CCAC is also concerned that surrounding areas of seagrass will be affected during the construction of the marina, both from increased turbidity in the water and increased nutrient loads released from any disturbance of the existing sediments. The area where disturbance is to occur coincides with the old outfall pipes from the noxious industries in the Amendment Area. It may prove to be difficult to contain both the expected turbidity and the increased nutrient load, especially in any storm events during construction.

In addition to concerns relating to the direct loss of seagrass due to the construction of the marina, the CCAC is concerned that the proposal will result in ongoing environmental impacts on the remaining areas of nearshore seagrass, affecting both existing seagrass and the potential for seagrass regrowth. For example, the report fails to assess the impact that changes in bathymetry will have on seagrass. To the north of the proposed marina, rapid accretion is inevitable and the ER suggests this could be at least 125 metres of accretion over 20 years or less. This level of shoreline accretion will in turn result in rapid changes to the bathymetry in the nearshore zone. Either the remaining seagrass in this zone will be smothered by rapid sedimentation or will end up in the surf zone of the accreting beach where it can not survive. This can be seen by overlaying figures 3.7 and 5.1 of the ER.

The CCAC is also concerned that nearshore seagrass located further north of the old Power Station will be affected by the proposed groundwater extraction and reinjection processes. Essentially, a large portion of the groundwater proposed to be extracted from the Amendment Area is to be reinjected in to the aquifer further north. Whilst this will not increase the concentration of DIN in the groundwater, it will almost certainly increase the rate of flow of the groundwater into the ocean. Therefore, in some areas north of the Power Station the nutrient load per annum entering the ocean could be two or three times present levels. The impact on living or potential regrowth seagrass of these increased nutrients entering the system remains unclear. The EPA should adopt a precautionary approach in this instance.

The ER clearly indicates that there is a strong likelihood that sand bypassing will be required as part of this marina proposal. The extent of erosion south of the marina may warrant the commencement of sand by-passing immediately to ensure adequate sand feed to Coogee Beach. If this is not commenced immediately, the areas to the north of the marina will eventually become saturated within 30 to 50 years. This will result in a process to mechanically shift sand to the south or dredge the marina mouth whilst allowing sand by-passing to occur naturally. Either of these options may well result in increased turbidity and sediment disturbances which could impact on the remaining nearshore seagrass areas south of the marina.

Long term residents of the area remember the vast extent of seagrass and coral that existed in this area of Owen Anchorage, and the extent of marine fauna that existed because of it. It is incumbent on this generation to enhance environmental conditions

to the extent that the Owen Anchorage seagrass meadows can be restored to levels that have existed in living memory. This does not necessarily preclude providing boat harbour facilities in appropriate locations. However, there is a real concern that the marina proposed in the Amendment Area has the potential to directly and indirectly impact on almost all of the remaining nearshore seagrass in this section of Owen Anchorage. The EPA should not allow this potential loss simply for the construction of a predominantly land reclamation project and residential canal style housing development.

#### **7.4 Marine Fauna**

*EPA Instruction: Assess the presence and distribution of marine fauna species. Document environmental impacts and management provisions if the proposal is implemented. Survey CALM's database and the site for Declared or Threatened marine fauna species. Document how Declared or Priority species will be protected and managed.*

The satisfying of this objective is largely related to the health of the seagrass in Owen Anchorage. As noted above, the proposed marina has the potential to directly and indirectly negatively impact on almost all of the remaining nearshore seagrass in Owen Anchorage. If this occurs, it may well impact on the diversity and geographic distribution of marine fauna within Owen Anchorage East. This could effectively establish a marine desert in the very area where the community enjoys good recreational access to the marine environment. The irony of this will be that those few residents at Port Catherine lucky enough to have a boat pen there will have good access to the unaffected marine environments further offshore.

The report does not consider the extensive presence of, mostly cryptic, marine invertebrate fauna. In addition, the 'Omeo' wrecksite is an artificial reef that has a richly varied flora and fauna. It is likely that sand will build up in the shadow of the marina which coincides exactly with this shipwreck. This will essentially smother and bury the artificial reef.

#### **7.5 Dunes**

*EPA Instructions: Assess the environmental value of the dune system, assess the impact and document management provisions.*

The proposed marina development will result in the removal of approximately 400 lineal metres of existing foredunes. These dunes are the tallest remaining dunes in Owen Anchorage and whilst the vegetation is somewhat degraded, there are coastal species present. A lack of coastal management, especially in relation to four wheel drive access and sand boarding, has left some areas of the dunes unstable, but certainly not irreparable.

The ER fails to consider the cumulative loss of dunes in the region. Between the Fremantle Port and Woodman Point, only 60% of the original dune systems remains. The low flat dunes at Woodman Point are well represented, however, the taller dunes found in the Amendment Area do not exist elsewhere. The ER suggests that the

Quindalup dunes are well represented in the metropolitan area, however most of the remaining dunes are located north of the Swan River or south of Rockingham. As with everything coastal in Cockburn Sound, there is a genuine need to protect what remains.

The proposed location of the marina does not represent a balanced outcome in relation to dune protection. The location of the proposed marina coincides with the largest part of existing white sand beach and dune area. By contrast, the already degraded beaches in Amendment Area and where the dunes have previously been destroyed, are to be left in that state. The EPA should consider this approach against the opportunity to enhance the existing dunes by introducing some basic management measures. The EPA should also insist that the existing obsolete parallel groyne be removed and a dune environment re-established.

This lack of balance in relation to dune protection can also be seen by considering the environments abutting the Amendment Area. Immediately north at the old Power Station the original dunes have been destroyed and the beach is replaced by the breakwaters of the cooling ponds and a parallel groyne. A marina could feasibly be developed here without compromising any dunes. The majority of the Amendment Area, the old Power Station and vast areas of land further north are all owned by the Government, and as such, they have failed to present a balanced approach to dune protection, when clearly one was available.

The ER indicates that the northern dune in the Amendment Area is of limited intrinsic value and is not linked to the Spearwood dune association to the east (the ridgeline). Firstly, as has been previously stated by Ecoscape, et al (1999), the dune does have intrinsic value. Whilst the CCAC does not support the construction of the marina as proposed, it would not preclude the EPA recommending the retention of the existing dune as part of a Parks and Recreation Reserve linking coastal foreshore areas either side of the Amendment Area.

With regard to the establishment of a link between these existing dunes and the ridgeline, a narrow link was recommended in the System Six Red Book (1983) and subsequently shown in the Beeliar Regional Park proposal (1992). The Coogee Redevelopment Agreement (1988) indicated that a 400 metre wide link was to be established from behind this dune extending up to the ridgeline. This exact same link is shown in the City of Cockburn's TPS No.2, and was also an integral part of the developer's own Coogee Master Plan (1993) and subsequent Revised Coogee Concept Plan (1994). However, this MRS Amendment fails to implement this link.

By any measure, the consistency of the previous strategic, statutory and structure planning associated with this open space link indicates that the proposal may have merit. Much of the land required for such a link is vacant, in Government ownership and covered with vegetation ranging from good to degraded. This land could be made available for open space as has consistently been proposed, and it is therefore very questionable why this link has not been proposed, at least in part, within this MRS Amendment. The EPA should require that this link be established, at least in part, to connect the existing dune system and the ridgeline.

With regard to the existing low height dunes located at the southern end of the Amendment Area, the ER fails to consider that portions of these dunes are currently



located in an obsolete Railways Reservation and are to be absorbed into the proposed Urban zone. Up to 50 % of the northern end of the existing Coogee Beach dune is proposed to become a local road and residential lots. The setback between the first line of vegetation (horizontal setback datum, HSD) and the proposed Urban zone ranges between 33 metres in the north to approximately 60 metres at the southern end of the Amendment Area. As stated in previous sections, this does not comply with the setback requirements for development or the total setback requirements for foreshore reserves (which at this site should be between 98 metres and 178 metres depending on whether the marina is constructed, i.e. whether the beach will be assessed as being stable or eroding, as per the SPP: State Coastal Planning Policy). The proposed 33 metre setback zone provides insufficient width to provide for a stable and ecologically functional dune system. The EPA should require that the existing Railway Reservation and the existing Parks and Recreation zone to the east be included in an expanded foreshore reserve.

In addition to the above, if the proposed marina is likely to result in erosion at Coogee Beach, then the proposed location of the existing and proposed Primary Regional Roads (PRR) Reservation will need to be reconsidered. It may well be the case that the PRR falls with the required development setback for coastal processes and/or in the total setback zone required for a sustainable foreshore reserve. Whilst there are underlying limestone formations just west of the existing Cockburn Road, the full extent of these is unknown. These may provide some defence against long term erosion due to coastal processes. However, the need to maintain sufficient reserve width for recreation and ecological requirements must also be considered in assessing the final location of the PRR Reserve

The ER indicates that there may be a need for "minor structures" to be constructed to protect Coogee Beach from erosion. However the ER provides no detail relating to the extent or character of such structures. Similar large coastal engineering projects have resulted in the subsequent construction of additional groynes to artificially stabilise beaches where sand feed has been interrupted. This was certainly the experience when the cooling ponds were constructed at the old Power Station. There is also no information on the aesthetic characteristics of such structures or whether these remedial works may result in further impacts on existing coastal processes. The lack of information is unsatisfactory, particularly given the likelihood of erosion occurring at Coogee Beach because of the proposed marina.

The community and decision makers should be made fully aware of the likely visual and physical impact of worst case scenario remedial structures. For example, the construction of a number of small groynes along the length of Coogee Beach would totally destroy the recognised landscape and social values attributed to the long stretch of white sand beach. Alternatively, if ongoing sand by-passing is proposed, the community needs to be made aware of how this process is to work and what the visual and physical implications will be. It should be remembered that good coastal planning should only resort to implementing engineered solutions to restore coastal problems when no alternative exists. If the construction of a marina will inevitably lead to new engineered structures being built to stabilise the beach, then the construction of the marina must be questioned. The ER treats this issue far too lightly, treating such structures as a first possibility rather than a last option. The EPA needs to ensure that a full assessment of all of the potential direct and indirect impacts is carried out.

(refer also Section 6.2 above for assessment against draft SPP: State Coastal Planning Policy)

## **7.6 Foreshore (beach) and seabed**

*EPA Instructions: Assess the beach stability and coastal processes, assess the impact and document management provisions..*

In assessing the environmental impact of the proposed marina and residential canal development the ER fails to provide adequate recognition of the intrinsic value of the beaches in the Amendment Area. It also fails to acknowledge the aesthetic and recreational value of the beach to the regional community (as identified by Ecoscape, et al.).

The Tamala limestone outcrops which are exposed as headlands at the centre of the Amendment Area are not found elsewhere in Owen Anchorage and many similar features have been destroyed in Cockburn Sound by developments such as the Jervoise Bay industrial development. The ER simply includes these natural features as part of the rock revetment walls (parallel groynes) that were constructed alongside them to provide protection to industry. The small protected beach embayments between these headlands already provide a valuable asset to the community and should be enhanced by remediating the industrial areas behind them rather than destroying the headlands and beaches altogether.

The impact of the construction of a marina on adjoining beaches is of great concern to the CCAC. Similar structures in the area have all resulted in small rock material washing up on adjoining beaches. Whilst the extent of rocks in the wave zone at beaches like South Beach has been minimal, the impact on public enjoyment has been a concern. At Port Beach, the extent of the rock problem has been more significant to the extent of causing ongoing public safety concerns. It is simply not possible for such breakwaters to be constructed without some rock spoil escaping both during and after construction. Where large quantities escaped from Rous Head because of a storm event that resulted in the loss of the external armour during construction, the ongoing impact has been a disaster for recreational usage of the adjoining beach. Coogee Beach, as the regions primary beach, must be protected from such environmental damage.

The proposed redevelopment includes the retention of the existing 515 metre long parallel groyne located in the southern half of the Amendment Area. The ER fails to consider that this is part of the infrastructure of the obsolete industrial uses and the developer should be required to remove this structure, clean up the foreshore, and restore a dune environment. The parallel groynes have resulted in a reduction in beach width to the extent that only a seasonal beach exists for short lengths of the total structure. The effect on coastal processes has also resulted in a steeper seabed caused by the high level of wave energy reflection. The ER has not provided an evaluation of the physical characteristics of these structures, however they visually appear to be quite crudely constructed.

The ER does not provide a rationale for the retention of these parallel groynes. It could be speculated that they are retained simply to allow the area to be rezoned to

Urban and to avoid the need to establish a foreshore reserve. Such an approach raises the question of whether the land immediately behind such a breakwater is suitable for an Urban zoning. The salt spray from even small waves breaking on this breakwater in winter storms will extend some distance inland and is likely to result in significant impacts on any vegetation, parked vehicles, and houses located within at least 50 metres. This impact might form an acceptable risk associated with a marina environment zoned as a Reservation for that purpose and where leasees are fully aware of the potential structural and maintenance implications. However, it would seem wholly inappropriate for an Urban zone to be exposed to this level of potential salt spray damage.

Alternatively, it may be speculated that the parallel groynes are proposed to be retained to control the anticipated erosion that will result once a marina is constructed. If this is the case, then the ER has failed to identify the extent of such erosion and the impact that it will have on the adjoining Coogee Beach. However, irrespective of why the developer's have proposed the retention of the parallel groyne, the EPA must impose a condition that a foreshore reserve be established in this location. The total setback distance of the reserve should be calculated on the assumption that the groyne structure is to be removed (if not now, by a future generation) and the setback determined in accordance with the requirements of the draft SPP: State Coastal Planning Strategy.

The ER fails to adequately assess the changes to the bathymetry that will inevitably result from the construction of the marina. As noted above, these changes may significantly impact on the sustainability of the remaining nearshore seagrass either side of the proposed marina. The marina is also likely to significantly change the bathymetry in the proximity of the Omeo ship wreck which currently provides an interesting marine environment and dive site.

## **7.7 Sealevel**

*EPA Instruction: Assess coastal processes and storm surge patterns and document management provisions.*

The CCAC is concerned that the change to coastal processes resulting from the construction of the proposed marina will cause erosion at Coogee Beach of at least one metre per annum under existing conditions. This concern is heightened by the potential that global climate change will result in elevated sea levels and changes to weather patterns. Whilst the potential impacts of sea level rises may have been assessed in the ER, the impact of changes to storm event patterns may not have been adequately considered. The possibility that north-west storm events will impact on Perth's coasts has been suggested as a potential impact of global climate change. The CCAC believes that the configuration and location of the proposed marina will result in Coogee Beach becoming increasingly vulnerable to both increased NW storm events and any increase in the duration of the winter littoral drift cycle. Essentially, this could result in a dramatic increase in erosion rates at Coogee Beach.

## **7.8 Marine water & sediment quality**

*EPA Instruction: Assess and document how surface water will be managed on site, with particular reference to drainage management and on-site disposal (quality and quantity).*

The assessment in the ER of potential water quality issues in the proposed marina raises a number of concerns. It appears to be based on a simple comparison with the water quality of other marinas and utilises a fairly subjective criteria for what constitutes an unacceptable algal bloom within such a marina. The CCAC believes the water quality assessment should be compared to a suitable base line such as a known, near pristine marine ecosystem of similar characteristics. The water quality within the proposed marina should be required to be maintained at a moderate level of protection compared to the base line criteria.

The water quality assessment criteria formulated for use in Cockburn Sound, as described in the Draft Environmental Protection Policy (EPP) and Draft Environmental Management Plan (EMP) should be used by the EPA to assess the water quality of the Port Catherine proposal. In all likelihood, the boundary of the policy area for the EPP and EMP for Cockburn will be extended in time to include Owen Anchorage.

In addition, the CCAC is concerned that water quality outside of the marina will be impacted during construction and for many years to come. Sediment plumes during construction can have a significant impact on marine flora and fauna in the short term. In the longer term, the ongoing process of dissolving limestone will ensure that water clarity remains unsatisfactory for many years. Visibility in the water is likely to be affected for many years to come.

## **7.9 Visual Amenity (landscape impact)**

*EPA Instruction: Assess and document the current level of visual amenity, the impacts and management provisions, with particular reference to the Beeliar Regional Park and System Six.*

The recognition of the visual amenity of both the ridgeline and the foreshore and dunes has been established for some time. The ER fails to acknowledge that the previous strategic recommendations, which identified that these areas should be set aside as regional open space, were taken with the full knowledge that the quality of the flora was somewhat degraded. Therefore, the CCAC believes it to be a fairly glib argument to suggest that the degraded state of the flora should now be sufficient justification to disregard all previous planning or to rezone most of these areas to Urban.

The primary value of the ridgeline stems from the fact it is a largely unspoiled example of the Spearwood dune system in this region. The prominent natural profile and mass of the ridgeline is a landmark feature when viewed from Owen Anchorage and the adjoining hinterland. The somewhat denuded and stark nature of the ridgeline in the Amendment Area does little to lessen the significant landscape and recreation value of this limestone feature.

The landscape value of the ridge is relevant when viewed from all directions. However, the ER appears to make the assumption that the landscape value is only relevant from the east, and then only applicable to the flank of the hill and not the ridgeline as well. There is nothing stated that supports this assumption and it should be dismissed by the EPA. The ER also suggests that the landscape value of the ridgeline is compromised by the existing railway cutting, the presence of the high voltage power lines, and the roads and tracks in the area. However, these man made features have only a minimal impact on the overall natural form of the ridgeline and were also present when the area was previously recognised as important open space.

The CCAC is particularly concerned about the extent of proposed excavation of the ridgeline. It is indicated in the ER that in excess of 8 metres of the limestone ridge will be removed and therefore the natural profile of the ridge will be severely compromised. The excavation alone will result in a significant negative impact on the landscape value of the whole ridgeline.

The flattened ridgeline is proposed to accommodate the PRR Reservation and houses to the west of it. The ER suggests that the road and the houses will not be visible from the east. However, the CCAC's assessment of sections through the proposed topography indicates that whilst the road pavement and flattened housing lots may not be visible from the east, any infrastructure, vehicles or buildings placed on this plateau will be clearly visible from the east. In effect, such structures will form a built form ridge in the place of the natural ridgeline. Not only does the proposal completely compromise the ridgeline when viewed from the west, the developer's claims that it is protected visually from the east can not be substantiated.

The EPA have previously assessed the landscape values of ridgeline in the Amendment Area (September 1993) and advised that the 25 metre (AHD) contour line should be used as the preferred maximum height for any developable land or the realigned PRR Reservation. This height limit was established to maintain the integrity of the limestone ridge as an unbroken north-south feature. The CCAC believes the 25 metre contour is actually too high for the development of houses because it would result in average built form envelopes of 33 metres. The ridge height is at an average of approximately 35 metres although in some areas it drops down as low as 25 metres. Therefore, the top of the built form envelope in such a scenario would be just two metres below the ridgeline in most areas. In some areas where the ridge line is low, the built form could be some 9 metres higher. The CCAC believes the EPA should recommend that in general terms the existing 20 metre (AHD) contour be the highest point of any proposed Urban zone or PRR Reservation. This would require the eastern edge of the PRR Reservation to be shifted westwards by approximately 200 metres, or essentially in its current location.

In addition to the ridgeline being recognised as an important landscape feature in the region, its retention has also been promoted because it provides opportunities to establish significant visual and physical linkages between other areas of high conservation and recreational value. It provides the only real opportunity to establish linkage between Manning Park, the Market Garden Swamps and the various reserves along the coast. The section of ridgeline in the Amendment area has always been seen as the main intersection of all of the recreational pathways in the region. To take away this function is to substantially weaken the recreational and environmental value of establishing this proposed integrated network of open spaces and conservation areas.

It is important, in terms of establishing good visual connectivity between each of the open space areas, that the crossroads of the linkages occur on top of the ridgeline. This ensures legibility for the recreational users of such a network.

The visual connectivity of these open space corridors is also of great importance but has been poorly assessed in the ER. For example, from numerous strategic vantage points along the ridgeline in Manning Park, including some of the formal lookouts, it is possible to gain uninterrupted vistas to the south that encompasses the whole of the Woodman Point Reserve and Coogee Beach. These vistas essentially follow the alignment of the existing Parks and Recreation Reserves. Whilst on plan, the alignment of these vistas crosses over the Urban areas of old Coogee, the topography of the land and the vegetation within old Coogee ensures that much of the urban development is hidden from view from these vantage points. This has the effect of making the extent of open space appear significantly larger than it actually is.

The proposal to rezone much of the western flank of the ridgeline to Urban will completely interrupt some of these amazing vistas. Whilst others vistas from Manning Park will not be completely obscured, the vistas will be broken in the middle ground by a sea of roof tops. This will destroy the visual connectivity and the dramatic sense of piece of wilderness will be lost. Other similar vistas through these areas will be compromised in the same way. The EPA should require that all of these important vistas be accurately mapped and retained uninterrupted.

The CCAC is concerned that views from the ridgeline, particularly to the west, must be maintained and enhanced. This includes views not only to the horizon, but of the dunes and foreshore areas. To achieve this outcome, care needs to taken to properly map these views taking into account the impact of any development within an Urban Zone. The EPA should further assess the extent to which development should be allowed to encroach up the western flank of the ridgeline.

At the southern end of the Amendment Area, where the existing Parks and Recreation Reservation is cut by the existing PRR Reservation, the open space link between ridge and coast is approximately 400 metres wide. This is consistent with the boundaries indicated for the M92 area of the System 6 report. This essentially links the M90 and M92 System 6 areas into one connected open space system. The proposed MRS amendment essentially drives an Urban zone wedge between these two important open space areas. The CCAC believes that in this section of the site, the Parks and Recreation Reservations should be maintained in full on both sides of the final alignment of the PRR Reservation.

It is also possible to gain excellent vistas from the ridgeline in the south-west corner of Manning Park and within the Amendment Area westwards across the existing sand dunes to the ocean and the islands beyond. As noted above in section 7.5, plans have existed for some considerable time indicating that an open space corridor coinciding with this westwards vista be established. The recommended open space link was of considerable width (approximately 400 metres), and should be established now so as to visually and physically link the ridgeline to the coast. This link essentially followed the railway cutting alignment and included the existing tall dunes and the existing beach in the northern half of the Amendment Area. Such a link would provide a rare opportunity to establish an almost uninterrupted open space transact between the coast and a coastal wetland, cut only by a road and a railway line. The EPA should require

that this link be established as a Parks and Recreation Reservation consistent with the relevant strategic planning for the area.

The CCAC is also concerned that the visual amenity of the coastal foreshore will also be affected by the proposal. The ER suggests that the proposed marina will afford 180 degree panoramic views of Owen Anchorage. These already exist in a largely natural setting, and the construction of a marina will only serve to interrupt these existing views. The marina will also affect the north-south views along the foreshore. Whilst these are partially interrupted by the existing parallel groynes and other obsolete industrial structures, the opportunity to improve these is readily available. The proposal to construct a marina will essentially limit views along the coast. Subsequent construction of groynes at Coogee Beach will further exacerbate the "blinker" effect that such structures have in the coastal zone. In the context of the vast stretches of unspoiled white sand beaches south of the old Power Station, obviously such a proposal will have a significant negative impact on the visual amenity of the foreshore in and around the Amendment Area.

### **7.10 Social surrounds - amenity**

*EPA Instruction: Assess and document the current use of Coogee Beach, the likely impacts and how these will be managed.*

The ER limits the assessment of social surrounds to Coogee Beach to the south of the Amendment Area. The current and projected use of the whole area affected by the proposed MRS Amendment should be taken into account by the WAPC and the EPA. This should include a comprehensive assessment of the existing and future social and recreational needs in the region. In essence, the WAPC and the EPA must assess whether the changes to the MRS and/or the proposed Port Catherine development will provide sufficient community benefit and inter-generational equity to warrant endorsement. The CCAC believes it to be abundantly evident that the proposal fails in this regard.

It must be noted that the population of the City of Cockburn is projected to reach a maximum of 115,000, almost double its current population. The catchment area of the recreational spaces in and around the Amendment Area is somewhat larger than just the City of Cockburn and it is sufficient to accept that there will be a substantial increase in recreational demand for the existing and proposed open space areas along this section of the coastal zone.

Unlike the metropolitan area north of the river or south of Rockingham, access to the coastal zone is limited in the Cockburn Sound region. There are a limited number of beaches available for recreational usage and of those that are available, many are not suitable for high intensity usage because they are backed by conservation areas such as at Woodman Point, or have limited access such as at South Beach. Between Fremantle and Woodman Point, only 60% of the original coastline remains available as beaches. In the whole of the greater area of Cockburn Sound (Fremantle to Rockingham), only 39% of the coastline is available.

The opportunity to establish district and/or regional recreational nodes to serve the rapidly increasing population of the region are limited to the beaches either side of the

old Power Station, including the beaches of the Amendment Area. The beach to the north of the Power Station has recently been established as a local beach and is currently backed by an industrial area making it currently unsuitable as a regional or district recreation node. This effectively leaves the Amendment Area as the most logical remaining site for a regional or district recreation node. The existing 910 metres of beach and limestone headland in the Amendment Area is well suited to provide for these recreational needs. The remaining 515 metres of obsolete parallel groyne could be removed and the foreshore rehabilitated.

The CCAC believes that the establishment of a regional or district beach node in the Amendment Area is a priority. This recreational priority far exceeds that of providing the developer with the opportunity to reclaim the seabed for a largely exclusive canal style housing development. The recreational needs of the additional 50,000 residents who have yet to move to Cockburn far outweigh the provision of a limited number of boat pen facilities that will only service a few residents within the Port Catherine development. This situation alone indicates that the proposal fails to deliver a balanced outcome in terms of providing a public benefit. The WAPC must provide an adequate foreshore reserve for the full length of the Amendment Area to ensure there is a balanced approach to satisfying the recreational needs now and into the future.

The developer's have promoted the so called marina proposal as a type of boutique Hillary's style project that will provide a great recreational benefit to the people of Cockburn. The CCAC have shown this claim to be quite fanciful (refer section 6.2). Compared to Hillary's, which is only marginally larger in total area, the Port Catherine development provides virtually none of the public facilities that attract people to the Hillary's marina. In addition, the CCAC has also identified that the proposed Urban zoning is intended as a means of allowing a substantial reclamation of the seabed and the construction of a residential canal style housing project. If a public marina with a genuine public benefit was actually being proposed, the MRS zoning would more appropriately be a Reservation for public purposes including recreational marine activity and ancillary commercial and tourism activities. The proposal to extend the Urban Zone across the foreshore and out into the seabed is unprecedented, unwarranted and totally inconsistent with the Government's coastal planning policies.

The developer's have not provided any evidence that the provision of 150 boat pens is a response to any identified regional need. The CCAC accepts that such a need may well exist, however such needs should be balanced with those of other recreational user groups. As noted previously, the only recreational needs assessment available is that produced by Ecoscape, et al, in the Integrated Coastal Management Strategy. It does not identify the need for additional boat pens, although it does suggest that improved boat launching facilities are required.

The WAPC should be proactive in planning for the recreational needs of the region. Ad hoc developments such as the Port Catherine proposal should not be supported in this manner. If there is a genuine need for additional boating facilities, a proper assessment of alternatives to satisfy such a need must be carried out and assessed against the other recreational needs of the region.

In the ten kilometres from Fremantle to Jervoise Bay, there are four protected harbours, namely the Fishing Boat Harbour, Challenger Harbour, the Fremantle Sailing Club and Jervoise Bay. None of these existing marinas have been assessed for



their potential to provide additional boat pen facilities. In addition, no other sites in Owen Anchorage have been assessed in terms of locating any new marina, for example, at the old Power Station where existing breakwaters already exist. It is difficult to understand why the WAPC have accepted such an ad hoc approach to planning for recreational needs. What is totally incomprehensible, is that if such a boat harbour and public facility is genuinely required, why is 85% of the Port Catherine proposal taken up with reclamation for housing and canal style waterways.

Projects constructed in the foreshore area or over the waterways can only be supported where they are genuinely coastal dependent. Obviously gaining recreational boating access to the ocean is coastal dependent, although it should be emphasised that many marinas providing for such needs are actually excavated from existing land rather than being located over existing seabed. However, the CCAC have identified in section 6.2 that established land use priorities for the coastal zone favour recreational use over residential use. The established policies also favour a balanced approach to satisfying the recreational needs. The CCAC believes the use of such a large area of beach and sand dune for a project which is predominantly a reclamation project for a canal style housing estate does not satisfy these established policies. The CCAC also believes that the small portion of the proposal which may satisfy public recreational needs has not been considered in a balanced manner and should not proceed in this way.

The ER also promotes the merits of the proposed irrigated parkland along the eastern flank of the ridgeline to the east of the Amendment Area. The recognised benefit of retaining the ridgeline as open space includes the views it affords along the ridges, to the coast and eastwards across the hinterland. The proposed irrigated parkland on the eastern flank can only provide for views to the east is not an acceptable compromise in visual amenity terms.

The ER promotes the establishment of an Urban Node as part of the public benefit of the proposed redevelopment. The CCAC supports the need for a new urban node as part of the residential redevelopment of the area. However, this is not a justification to construct the marina. An inspiring, attractive, vibrant urban node could be established in parallel with the creation of a district recreational beach node. Indeed, the CCAC calls on the development of the Amendment Area to be fully integrated with surrounding areas to provide a genuine benefit for the whole area instead of the largely exclusive estate proposed for Port Catherine.

## **8.0 Conclusions**

The Coogee Coastal Action Coalition have invested considerable time researching the relevant planning issues surrounding this proposed development and MRS Amendment. The CCAC supports the general principle of remediating the former industrial site and providing for new Urban development. However, any new Urban development must provide a genuine public benefit now and for the future. Included in this public benefit must be the restoration and rehabilitation of the natural landscapes associated with the ridgeline and the foreshore. In particular, and for the sake of future generations, the possibility of this rehabilitation must not be prevented by the destruction of the said landscape in order to raise the money to rehabilitate it.

The CCAC has determined that the proposed Port Catherine development, and the associated rezoning of the bulk of the Amendment Area to Urban, fundamentally compromises the ecological, landscape, amenity and social values of the area, and therefor should not be supported.

In particular, the CCAC is totally against the rezoning of any portion of the Waterways Reservation to Urban under any circumstances, irrespective of whether a marina proposal proceeds on this site or any other site. The rezoning to Urban of any existing Parks and Recreation area in the foreshore area is also not supported.

The CCAC respectfully requests that the WAPC not proceed with the MRS Amendment in its current form. Instead, the Government and the WAPC are urged to initiate discussions with all key stakeholders to avoid the inevitable community backlash over the further unacceptable loss of coastal open space and recreation areas in this region.

The CCAC would be keen to be involved in a 21st Century planning process that seeks to establish appropriate social, economic, and environmental objectives for the area and then develops a strategic plan for the integrated redevelopment of the Amendment Area and adjoining sites. This should include a reassessment of all land use issues, including roads and transport, industrial, residential, commercial, recreational, and environmental. The CCAC believes that when community and environmental objectives are properly established, the following requirements will need to be included in any new proposal:

- \* a continuous foreshore reserve be established in accordance with the draft SPP: State Coastal Planning Policy and DC6.1: Country Coastal Planning Policy;
- \* that previous recommendations for open space reserves as contained in the System 6 report, the Beeliar Regional Park Strategy, the Coogee Redevelopment Agreement, the City of Cockburn TPS. No.2, and the Integrated Coastal Management Strategy, be protected and included as Parks and Recreation Reserves in the MRS;
- \* the eastern limit of any realignment of the Primary Regional Road Reservation not extend beyond the 20 metre AHD contour line on the western side of the Coogee Open Space;
- \* extensive community participation and consultation and a recreational needs assessment for the region;
- \* decisions to be based on land and coastal capability assessments, ESD principles and inter-generational equity;
- \* integration of land uses and the transport network including the expansion of the urban rail network between Fremantle and Thompsons Lake;
- \* the inclusion of a viable redevelopment of the Power Station;

## **9.0 Request to speak at the hearings**

The CCAC requests the opportunity to personally present the detail of this submission to a sub-committee of the WAPC. Clearly, this submission is extensive and the result of considerable research and assessment. Therefore, CCAC requests that the WAPC afford sufficient time at the hearings for the presentation of the full extent of issues contained herein.

## **10.0 Attachments**

### **10.1 MRS Form**

### **10.2 Case History by Coastal Planning Coalition**