



PORT PHILLIP CONSERVATION COUNCIL INC.

Tel 59872537
A0020093K Victoria
ABN 46 291 176 191

12 Foord Lane DROMANA VIC 3936
warfej@bigpond.com
www.ppcc.org.au
12 July 2013

The Manager
Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
Rosebud Vic 3939

Dear Sir/Madam,

**Re: Blairgowrie Marina expansion
Mornington Peninsula Planning Scheme Amendment C155 and combined
Planning Permit Application CP11/001
Applicant: Blairgowrie Yacht Squadron (BYS)**

Port Phillip Conservation Council Inc. (PPCC) is a federation of conservation groups around Port Phillip Bay, whose focus since 1970 has been to conserve, protect and enhance the Bay for the benefit of the wider community that uses and enjoys it. We were represented at the Environment Effects Statement (EES) Consultative Committee meetings that approved the BYS marina expansion in 1999.

We now object to the further expansion of the BYS. As with so many other marina structures around Port Phillip Bay (eg: St Leonard's, Portarlington, St Kilda and Brighton), the current structure at Blairgowrie is already a blight on the land and seascape, impedes public enjoyment of the foreshore and remaining beach, and requires costly works to be undertaken: erosion mitigation and sand relocation etc. To allow it to expand further can only add to the inconvenience, damage and intrusion already being imposed on the community.

The 1999 EES stated that there were no plans or intentions for the proposal to generate larger, or more extensive shore-based maintenance facilities for the larger vessels (up to 18 metres). We submitted that this type of boating facility inevitably attracts a demand for expanded maintenance facilities.

Our concerns were derided and ignored when we predicted that the then proposal would have unacceptable and undesirable impacts. A little more than a decade later we have been proven correct, or alternatively we were deceived by the proponent.

Since the project went ahead we have witnessed a marked and steady deterioration of the adjacent coastline. That damage amply demonstrates that the science produced by the BYS should not be relied upon. BYS should not be granted approval to make further demands on, and deprive the wider public of, the remaining amenity merely to satisfy the wishes of a few hundred members of a "pleasure boat facility"¹

Rezoning of public land unacceptable

The proposed rezoning from a Public Conservation and Resource Zone (PCRZ) to a Public Park and Recreation Zone (PPRZ) underscores that 'conservation' of any special environmental or cultural features of the area is no longer considered important – as the massive expansion means none will remain.

Unfortunately, the Yacht Club has failed to recognise that its site has reached the limit of

¹ The term 'Pleasure boat facility' is used by MPSC in its project description

acceptable expansion. The Club should consider itself extremely lucky to have achieved the extent of occupation of public coast and seabed that it already has, and it should be encouraged to concentrate on refining and fairly sharing its present advantages among its members and the public, and minimizing its existing environmental impact on its site and its already congested surroundings.

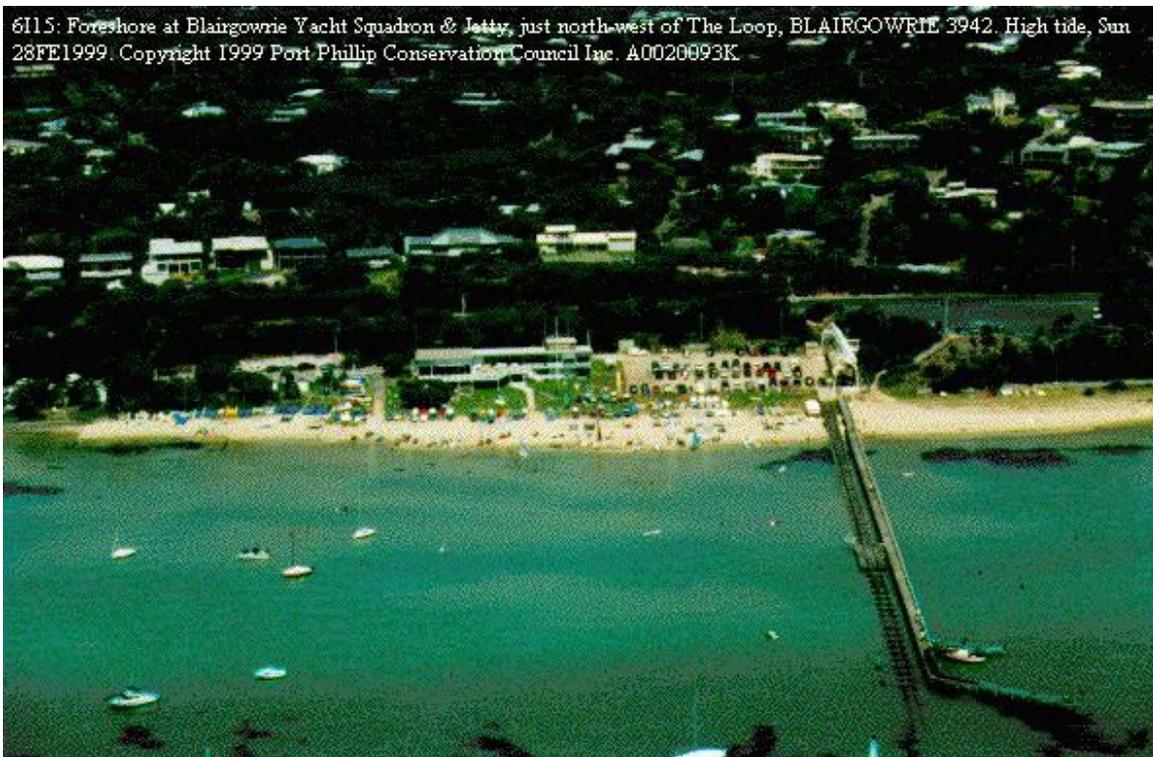
Instead, and in spite of actual user numbers being difficult to confirm, the Yacht Club now demands further re-zoning of public water and space, further extension into public land and sea bed for an additional 119 wet berths and upgrade works on 45 existing berths, major infrastructure works, including a new hardstand and straddle lift, removal of native vegetation, road works, additional car parking on foreshore Crown land.

Threats to Blairgowrie Beach and foreshore:

Despite recent degradation caused by the 1999 marina expansion, Blairgowrie beach is still a relatively popular, safe and well-sheltered shallow beach eminently suitable for families with small children. The remaining ambience is plainly threatened by any further expansion of the Yacht Club near it, particularly by the proposed increase in cars and trailers, boat maintenance and power boats; all with more noise, wash and oil.

The further intensification of boats and pontoons, together with the accompanying hardware protruding from the sea, will destroy any remaining quiet and restful ambience and scenery.

The 1999 EES provided evidence that the seabed in the vicinity of the proposal had not changed in the last 40 years. We predicted then that if the proposal went ahead, the area would be adversely impacted. We stated that the construction of a 207 metre long concrete wall, extending 2 metres above high water sea level at the end of a 380 metre jetty, would have a major impact on nearby coastal processes and the energy and ability of waves to move sand will be reduced by this obstruction, and that must alter the area's coastal processes. We were correct.



This 1999 image above, prior to the commencement of the marina expansion, shows a relatively equivalent beach profile on either side of jetty.

However, since 1999, cusped forelands (incipient tombolas) have formed between the foreshore and the marina structure to such an extent that the entire beach west of the jetty is a massive sandbank at some stages of the tide and it is possible to reach some of the boats without getting your knees wet, whilst beaches either side have been depleted of sand.



Blairgowrie marina 2007 ©R. Kuitert

The above image amply demonstrates the narrowness of the Peninsula in this location, the relatively dense housing and the already cluttered aspect of the BYS developments. Further development as proposed will further exacerbate these effects.



Nearby Blairgowrie dog walking beach September 2009 Image: A. Lewins.

Amongst the infrastructure works listed, we note planned removal of the “ineffective” wave attenuator wall. In 1999, the BYS consultant gave the EES Panel his expert opinion that the wave attenuator wall would be effective and have no significant environmental impacts. Neither has proved to be the case. That is, the wall has been a visual and environmental intrusion and according to the BYS has been ineffective in protecting their boats. Indeed, the ineffectiveness of the wave screen is now offered as part of their justification for the works proposed, despite their learned opinion in 1999 that their design was state of the art.

The wave screen structure failed spectacularly in 2009, when several sections were dislodged and broke apart. Debris was found on beaches as far as McCrae.



Failed Blairgowrie Wave screen on land. October 2009 Image L. Warfe

A concrete wall is difficult to disguise as anything but a concrete wall. The visual aspect and aesthetics of the area, from both land and from seawards, must deteriorate further as a result of an additional 200+ metres of wall as now proposed.

Concrete cancer is a well-documented phenomenon, inevitably exacerbated in a salt-water environment. In 1999 we expressed doubts about the long-term structural integrity of the proposed wave screen design and predicted that the supporting pillars, with their foundations located in a notoriously unstable sand base, may after time succumb to the power of the waves. This too has been proven correct.

Marinas generate polluted water and it is inevitable despite the Yacht Club's best intentions that pollution will occur in a concentrated area of 400 or so boats. If one studies the direction of the prevailing winds, one can see that this pollution will find its way on to the public beaches either side. This would appear contrary to government policies, which state that expanded or new developments should not adversely affect beneficial uses already existing.

The activities proposed by the BYS in this expansion are becoming increasingly industrial in nature and are no longer appropriate for a Yacht Club, situated as it is surrounded by beaches, public foreshore and car parking. It is hardly believable that the BYS could claim as it does that their proposed expansion will improve the view.

What's more the additional facilities supposedly needed are already available at Martha Cove Marina where, notably, barely one third of the 352 available berths are occupied, the development is in deep financial trouble, and there is appropriate land, already zoned, with access from the Freeway, and with far less impact on the local community.

Notably many yacht owners at Mornington have sensibly used Martha Cove for safe haven during recent storm events. This is a "safe haven" option for Blairgowrie boaters.

Yacht Clubs Need to Recognize Limits to sustainable and equitable use of coast:

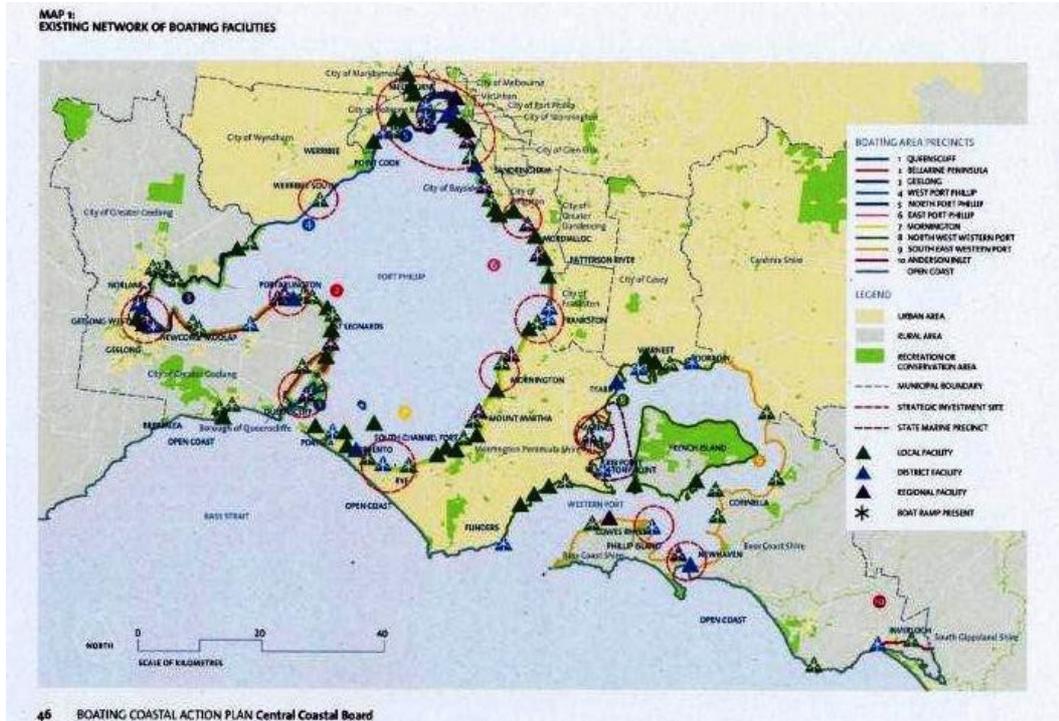
PPCC Inc. notes the pervasive and insidious use of the contrived term "Safe Harbour" or "Safe Haven" (*would anybody advocate building an **unsafe** harbour?*) as a tactical euphemism to replace the unpalatable word "marina", which has fallen into disrepute. The coastline of Port Phillip Bay is under attack from the seemingly insatiable demands of the boating fraternity.

Increased traffic and parking demand will seriously affect and disturb the amenity of the area for existing users and local residents, whose rights should not be compromised.

One of the more contentious issues is provision of public car parking sites to be handed over to the Yacht Club to service their additional need. These parks are on public open space foreshore reserve. If they are no longer necessary for public use, the environmentally responsible thing to do would be to return them to their original state by revegetation. They were never intended, nor should they ever be allocated for Yacht Club use. Likewise, the use of parking, along the public access way from the Nepean Highway to the Yacht Club, should not be considered as for exclusive Yacht Club use. This area is adjacent to a popular public beach, used by many more people than the couple of hundred yacht owners who the proposal will benefit. Public access to the area must not be diminished.

Central Coastal Board Boating Coastal Action Plan 2007:

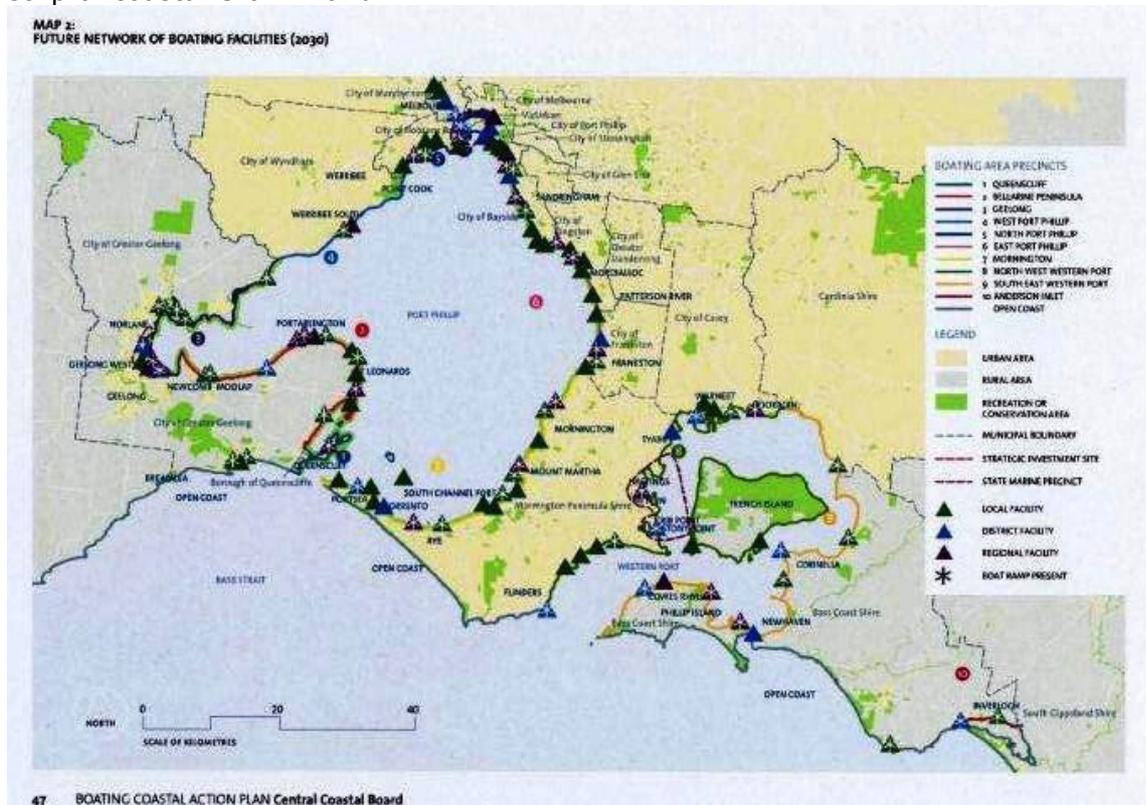
The Plan's map of Port Phillip and its existing network of boating facilities (Map 1 below), demonstrates the preponderance of boating facilities, particularly on the east and south coasts.



Already there are substantial marinas at Queenscliff, Geelong, Williamstown, Melbourne, St. Kilda, Brighton, Beaumaris/Mordialloc, Patterson Lakes, Mt. Martha and Blairgowrie. A 600 berth marina at Frankston is also under consideration and Mornington Harbour is about to have \$13 million of taxpayers' funds expended on protection works, entirely for the benefit of boat owners. Concrete wave screens are of no benefit to the vast majority of pier users and beach goers. Indeed they render the area less visually attractive, may render the pier more subject to wave attack and, as has occurred at Blairgowrie, can be

subject to damage and pose additional safety risks to the public.

We also understand from the Plan that the proposed upgrade at Blairgowrie would upgrade the already extensive Blairgowrie Marina from a Local to a Regional facility (see map below). This would inevitably lead to the Club, Council and tourism operators promoting the facility as such – leading to even more congestion in this already congested and extremely narrow strip of coastal Crown Land.



One is invited to pose the question whether our Planning authorities anticipate any end point to the ongoing proliferation of marinas and other boating facilities around the coast, or whether the map of boating facilities will eventually show the entire coastline of Port Phillip with green, blue or maroon triangles, and our coastline will be largely masonry.

Climate Change considerations

Much of the proposed landside infrastructure (new hardstand and straddle lift etc.) is inevitably located on low lying land. Latest observable data suggest we are tracking at the high end of predictions. It would be prudent then to plan for a very different future, where costly high maintenance infrastructure is limited on the coast- not proliferated. Attempting to control future climate impacts will be excessively expensive, and has many adverse effects – not least of which a reduction in the natural amenity of the coastline and a consequent reduction in tourism and beach related activities.

The likely risks and costs to the community (and the developer) of this future scenario should be a major factor in not allowing this amendment to proceed.

The law generally lags behind public opinion and accepted research, so a decision to develop may not represent good planning. In light of what we now know about impending climate change impacts, this is particularly so for future proposals for our coastal areas.

Relevant reports:

1. **House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts October 2009 Report *'Managing our Coastal Zone in***

a Changing Climate – the time to Act is Now' The Report provides data particularly relevant to Rosebud and its coastline.

- ❖ Quote: *"Climate Change is a global issue that requires government to move beyond traditional approaches and boundaries or governance and environmental responses. At present governance and institutional arrangements concerning climate change and the coastal zone are significantly disjointed, lack leadership and accountability"*²

The Report acknowledges the significance of the Bruun Rule³, which is often misinterpreted in analysis of sea level rise impacts. The predicted one metre Sea Level (SL) rise this century is often assumed to mean that, at the shoreline, water will encroach one metre further onto the beach. This is far from the truth.

The Bruun Rule states that for every unit that water rises vertically it can spread 50 -100 times horizontally inland – resulting in a far greater inundation impact. Thus 0.5 metres of SL rise could mean up to 50 metres of low lying land could be inundated. Depending on the coastal topography the inundation impact may be somewhat less or more than the general rule, but the relationship between SL and the coastline is an immutable law of nature.

Further relevant data from the Report:

- ❖ In Victoria alone, more than 80,000 coastal buildings and infrastructure are at risk from projected sea level rise, coastal flooding and erosion⁴.
- ❖ The area of land subject to inundation by storm surge is likely to increase by 4-15% by 2030 and 16 - 63% by 2070. It is predicted to affect more than 2000 individuals, 1000 dwellings and approx. \$780 million in improved property value⁵.
- ❖ A 1-in-100 year storm surge is likely to happen every 1 to 4 years by 2070⁶, and, also in relation to predicted frequency of storm events: "What this means is that if you have a flooding event which only happens every year at the moment, by the end of the century it will be happening every day"⁷.
- ❖ In relation to Insurance cover for coastal buildings and infrastructure, the Insurance Council of Australia (ICA) confirmed that there are some things that cannot be insured for: *"Risks identified.....and not generally covered..... include Storm Surge, Landslip and Sea Level Rise.....no you cannot get cover for that in any significant or competitive wayYou would not be able to find a policy to cover you for a landslip issueI would not envisage that changing into the future"*⁸.
- ❖ *In relation to Sea level rise, ICA stated: "you simply cannot get an insurance product at the moment for gradual sea level rise that at a future time prevents you using a parcel of land because it has become untenable....", and " whereas the value of coastal buildings may be protected to some extent by insurance, the land value of properties is not insured at all"*⁹

² Manly Council NSW submission to House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts Report October 2009 *'Managing our Coastal Zone in a Changing Climate – The time to Act is Now'* Page 5

³ Ibid Page 35

⁴ Ibid Page 37

⁵ Ibid Page 37

⁶ Ibid Page 37

⁷ Dr. Hunter, Antarctic Climate and Ecosystems Cooperative Research Centre, in evidence to Committee. Page 47

⁸ Mr. Sullivan. ICA submission Ibid Page 116 -117

⁹ Ibid Page 118 - 120

- ❖ ICA also stated: *"We will not pay for damage caused by actions or movements of the sea...We will not pay for loss, damage, injury or death arising from actions of the sea, high water or tidal wave- unless it is the result of a tsunami; subsidence or landslide unless it happens immediately as a result of an earthquake or explosion; hydrostatic pressure including loss or damage to swimming pools or similar structures...."*¹⁰
- ❖ In relation to uncertainties about legal matters relating to climate change and the coastal zone, the National Sea Change Taskforce (NSCT) commented: *"... Councils are at a loss as to how to respond at the moment. What we are seeing is developments being approved right now that, if some of the projections coming out of the IPCC are proved correct, will be placed at risk in the future....there are still properties being approved today, which perhaps it would be prudent not to"*¹¹
- ❖ Noting the gap in research on legal issues and climate change impacts on the coastal zone, the Committee recommended that the Australian government request that the Australian Law Reform Commission undertake an urgent inquiry into this area, with a particular focus on clarification of liability issues with regard to public authorities acting or not acting in terms of climate change adaptation and possible coastal hazards¹²
- ❖ The legal practitioners Australian Network of Environmental Defenders Offices (ANEDO) state: *"First do no more harm. It is important to not compound the significant problems already faced by coastal communities by making further ill-considered planning and infrastructure which ignores looming biophysical realities. If decisions are made ignoring this principle, they will inevitably create even larger costs for future generations to bear, and undermine the concept of intergenerational equity..."*¹³

The Report makes 47 recommendations, which largely signal the need for immediate and serious changes to our current coastal land management practices. The Committee recorded that the cumulative impacts of many small decisions taken along the coast are clearly not being dealt with effectively under current Federal and state environmental protection regimes, stating: *"This also requires urgent attention"*¹⁴.

In relation to population impacts on the coast, the Committee recorded that the clear message was that coastal development and population pressures were having a dramatic impact on the coastal environment and that our present poor coastal land use planning practices were a significant factor in this regard¹⁵.

This Report alone is convincing of the view that ratepayers and taxpayers could be exposed to a legal black hole in the event of any further densification in foreshore locations, and that no more decisions about coastal development should be "taken in isolation", as this proposal so clearly is.

2. Climate Change Risks to Australia's Coast Report, Australian Government Department of Climate Change Released 14th November 2009

Some key findings for Victoria:

¹⁰ Ibid Page 119

¹¹ Ibid Page 144 NSCT submission

¹² Ibid Recommendation 23 Page xx

¹³ Ibid Page 149

¹⁴ Ibid Page 192

¹⁵ Ibid Page 218

- ❖ Between 27,600 and 44,600 residential buildings in Victoria may be at risk of inundation from a sea-level rise of 1.1 metres and storm tide associated with a 1-in-100 year storm.
- ❖ The current value of the residential buildings at risk is between \$6.5 billion and \$10.3 billion.
- ❖ There are approximately 4,700 residential buildings (and numerous public assets) located within 100 metres of 'soft' erodible shorelines.

Nationally, the Report makes a number of recommendations relevant to future coastal planning in our local area.

- ❖ While risks will unfold over time, there is a case to begin now with early national action to reduce current risks and avoid the building of new exposures
- ❖ Avoidance of future risk is the most cost-effective adaptation response in most cases. Decisions on future development, particularly in areas highly exposed to the impacts of climate change, should not increase risk.
- ❖ There is a large risk legacy in the coastal zone from buildings and other infrastructure constructed in the past.
- ❖ Natural ecosystems provide valuable environmental services and can buffer many of the risks associated with a changing climate in the coastal zone. Planning is needed to maximise system resilience, allow for ecosystem movement and make explicit decisions about tradeoffs.
- ❖ Leadership by governments will be necessary if adaptation action in the coastal zone is to be effective¹⁶.

Sadly, the present proposal creates new exposures, adds to future risks and contributes to an additional legacy of inappropriate coastal infrastructure.

The Campaign for Closely-spaced "Safe Harbours" along the Coast is misguided:

[PPCC Inc. Policy Statement No. 14, "Marinas in or Near Port Phillip"](#) explains the reasons PPCC Inc. has for resisting the concept described by the coloured and tendentious term "Safe Harbour". Of course no harbours should be unsafe, and an obvious first approach if safety is being seriously considered, should be, rather than providing new harbours/marinas, to either remove any existing unsafe harbours, or to make them safe, provided that does not involve any significant environmental damage.

A second approach is to work for far safer boating operations at sea away from the harbour. Major improvements in training of boating crews, and the licensing, and periodic inspection, re-assessment and retesting of crews and their boats, motors, safety and communications equipment, and anchoring and mooring provisions are needed. As is the case with recreational and commercial aeroplane operations, there should be a greater degree of seriousness and formality in relation to mandatory obtaining of a weather forecast covering the period of the voyage plan for marine activities, and an onus on the crew to comply with published criteria for the relevant plan.

The now ubiquitous mobile telephone and internet use greatly facilitates the practicability of such measures. All of those improvements are very much cheaper for the public, and are likely to achieve better safety outcomes, than massive investment in building and maintaining an oversupply of harbours, they are more easily organized on a user-pays basis, and they are certainly more environmentally satisfactory.

What's more, bad weather only occurs infrequently, and with modern weather forecasting we are notified of impending bad weather right around the world and well in advance of

¹⁶ *Climate Change Risks to Australia's Coasts* Australian Government Department of Climate Change Page 135
<http://www.climatechange.gov.au/en/publications/coastline/climate-change-risks-to-australias-coasts.aspx>

such events. Residents are regularly advised to secure outdoor furniture, make safe roofing structures, move cars from beneath trees etc. It seems only reasonable then that boat owners should also be expected to make safe arrangements for their vessels during the small number of times that an adverse weather event is expected. The time is long past when we should think it reasonable to make permanent and environmentally harmful alterations to our coastal areas merely to cater for an occasional adverse weather event.

Conclusion

We have shown that the insurance industry cannot be relied upon to protect decision makers from the consequences of their poor decision making. Taxpayers and ratepayers rightly should hold those decision makers accountable.

Our long experience with coastal projects, such as this, has shown that the predictions of consultants employed by proponents are often not correct. We have a very long list of such occurrences in our records. To avoid the consequences of this happening again, for both the community and the decision makers, we suggest that an independent study be commissioned by the Government to verify the conclusions of the proponents' funded consultants.

We draw to your attention to two important concepts.

1. The Precautionary Principle¹⁷, binding on all levels of government, which attributes the burden of proof that there will be no harm to the advocates of the project. Briefly put it says: If in doubt, don't.
2. Newtown's Third Law (1689). Newton's Third Law, put simply says: For every action (force) in nature there is an equal and opposite reaction. It is an immutable, observable law of nature, so it is indeed puzzling why after 350 years we are surprised when nature responds according to a fundamental law of the universe. It seems we are incapable of understanding the fundamental principle that our actions will always have consequences. Newtown's Third Law It is often particularly obvious in modern man's incessant tinkering with coastal processes and is well demonstrated in the clearly observable changes to the coastline since the 1999 BYS expansion.

On behalf of the vast majority of Victorians who do not require boating facilities but who fund them nevertheless via our taxes, and those who expect intact uncluttered foreshore reserves for their pleasure and amenity, we request that Council invokes the precautionary principle, observes Newton's Third Law and does not allow the further expansion of the BYS pleasure boat facility to proceed.

Yours sincerely,



Len Warfe
President
Port Phillip Conservation Council Inc.

¹⁷ Rio Conference 1992